

COUNCIL MEETING

MARCH 25, 2015

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, March 25, 2015 at 9:40 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser
Honorable Ross Kagawa (*excused 2:43 p.m.*)
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

Council Chair Rapozo: Next item.

SCOTT K. SATO, Council Services Review Officer: Next item is the approval of the agenda.

APPROVAL OF AGENDA.

Councilmember Kagawa moved for approval of the agenda as circulated, seconded by Councilmember Kuali'i, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

MINUTES of the following meetings of the Council:

February 25, 2015 Council Meeting

Councilmember Kagawa moved to approve the Minutes as circulated, seconded by Councilmember Kuali'i, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please. Staff, on the Consent Calendar, I will be entertaining a motion to receive all items on the Consent Calendar except C 2015-98 and C 2015-99. There are citizens in the community that wish to testify on those matters and they cannot stay. If you want to read the items and then we can take the motion.

(Councilmember Kagawa was noted as not present.)

CONSENT CALENDAR:

C 2015-86 Communication (02/13/2015) from the Deputy Director of Finance, transmitting for Council information, the 2015 Real Property Assessment List of the County of Kaua'i pursuant to Section 5A-2.2, Kaua'i County Code 1987, as amended.

C 2015-87 Communication (02/27/2015) from the Acting Director of Finance, transmitting for Council information, the Period 5 and 6 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of

December 31, 2014, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kauaʻi for the Fiscal Year 2014-2015.

C 2015-88 Communication (03/02/2015) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing the Filing of the Kauaʻi County 2015 Action Plan (HOME Investment Partnerships Program) with the Department of Housing and Urban Development, United States of America, for a Grant Under Title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), As Amended.

C 2015-89 Communication (03/02/2015) from the Housing Director, transmitting for Council consideration, a Resolution Authorizing the Filing of the Kauaʻi County 2015 Action Plan (Community Development Block Grant) with the Department of Housing and Urban Development, United States of America, for a Grant Under Title I of the Housing and Community Development Act of 1974 and 1987 (Public Laws 93-383 and 100-242), As Amended.

C 2015-90 Communication (03/05/2015) from Council Chair Rapozo, transmitting for Council consideration and confirmation, Council appointee Charlotte L. Hoʻomanawanui to the Kauaʻi Historic Preservation Review Commission (At-Large) for the County of Kauaʻi –Term ending 12/31/2017.

C 2015-91 Communication (03/06/2015) from the Acting Director of Finance, transmitting for Council information, the Period 7 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of January 31, 2015, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kauaʻi, for the Fiscal Year 2014-2015.

C 2015-92 Communication (03/09/2015) from Councilmember Kualii, transmitting for Council consideration, a Resolution Appointing a Representative and Alternate to the Executive Committee of the Hawaiʻi State Association of Counties (HSAC) and Nominating a Representative to Serve as a Director on the National Association of Counties (NACo) Board of Directors, pursuant to Section 5 of the Bylaws of the Hawaiʻi State Association of Counties.

C 2015-93 Communication (03/09/2015) from the Mayor, transmitting for Council consideration and confirmation, the following Mayoral appointees to the various Boards and Commissions for the County of Kauaʻi:

1. Cost Control Commission

- Tricia-Lynn K. Yamashita – Term ending 12/31/2017

2. Fire Commission

- Mari L. Yokoi – Term ending 12/31/2017

3. Planning Commission

- Kimo M. Keawe (*Environment*) – Term ending 12/31/2017
- Thomas P. Contrades (*Labor*) – Term ending 12/31/2017

4. Police Commission

- Savita Agarwal – Term ending 12/31/2017

C 2015-94 Communication (03/10/2015) from Council Vice Chair Kagawa, transmitting for Council consideration, a Proposed Draft Bill for an Ordinance relating to Real Property Taxes. The purpose of this Bill is to reinstate the Credit Union Exemption which would exempt credit unions from paying real property taxes in excess of three hundred dollars (\$300).

C 2015-95 Communication (03/10/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, with regard to C 2015-74 (Grove Farm Right of Entry Agreement).

C 2015-96 Communication (03/13/2015) from the Mayor, transmitting his Fiscal Year 2015-2016 Budget Message, along with the proposed Operating Budget, Capital Improvement Projects (CIP) Budget, and Schedule of Charges and Fees.

C 2015-97 Communication (03/13/2015) from Ernest W. Barreira, Acting Director of Finance, transmitting for Council information, supplemental property tax revenue information pertaining to the estimated reduction in real property tax revenues resulting from the Home Preservation Limit and Very Low Income tax relief measure enacted by the Kaua'i County Council, based on the Real Property Assessment Certification for Fiscal Year 2016 factored with the existing real property tax rates.

C 2015-100 Communication (03/13/2015) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to the Comprehensive Economic Development Strategies (CEDS) – Keiki to Career Workforce Readiness appropriation in the Office of Economic Development, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as she is on the Leadership Council for the Keiki to Career – Workforce Readiness initiative.

C 2015-101 Communication (03/13/2015) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to the Boys & Girls Club appropriation in the Department of Parks & Recreation – Kaua'i War Memorial Convention Hall, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as she is on the Kaua'i Advisory Board for the Boys & Girls Club of Hawai'i.

C 2015-102 Communication (03/13/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to the Grove Farm (Puhi Metals Recycling) Liabilities appropriation in the Department of Finance – administration and 800 MHZ radio Site lease: Grove Farm appropriation in the Civil Defense Agency, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as he is a Project Specialist employed by Grove farm Company, Inc.

C 2015-103 Communication (03/13/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to the East Kaua'i Soil & Water Conservation District appropriation in the Department

of Public Works, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as he is a Director for this organization.

C 2015-104 Communication (03/13/2015) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal, relating to the Kaua'i Economic Development Board (KEDB) – Food & Agriculture Program appropriation in the Office of Economic Development, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as he is a committee member on the KEDB Food & Agriculture Committee.

C 2015-105 Communication (03/13/2015) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, relating to the YWCA – Family Violence Center and YWCA – Sexual Assault treatment Program appropriations in the Office of Economic Development, Fiscal Year 2015-2016 Mayor's Operating Budget Submittal, as he is the Director of Operations for this organization.

Council Chair Rapozo: Can I get a motion please?

Councilmember Yukimura moved to receive C 2015-86, C 2015-87, C 2015-88, C 2015-89, C 2015-90, C 2015-91, C 2015-92, C 2015-93, C 2015-94, C 2015-95, C 2015-96, C 2015-97, C 2015-100, C 2015-101, C 2015-102, C 2015-103, C 2015-104, and C 2015-105 for the record, seconded by Councilmember Kualii.

Councilmember Kualii: Mr. Chair, I have a quick comment.

Council Chair Rapozo: Sure.

Councilmember Kualii: I did look deeply into some of the financial reports in C 2015-87 and C 2015-91. I did have several questions, but it is probably questions that I can submit in writing and feel good about getting response from the Finance Department. I am just going to do that and just go along with the receipt today.

Council Chair Rapozo: We could take it out and have it referred to the Budget & Finance Committee if you feel a discussion is...as we approach budget, it might be a good idea. I leave that up to the body.

Councilmember Yukimura: Excuse me. Which items again?

Councilmember Kualii: Both the financial reports.

Councilmember Yukimura: Oh, okay.

Councilmember Kualii: Period 5 and 6 which was C 2015-87 and for Period 7 which was C 2015-91.

Councilmember Yukimura: Thank you

Councilmember Kualii: If you are willing to give me that courtesy, I would appreciate that.

Council Chair Rapozo: Okay. C 2015-87 and C 2015-91 as well?

Councilmember Kualii: Yes.

Council Chair Rapozo: Who made the motion?

Councilmember Yukimura: I did.

Council Chair Rapozo: Councilmember Yukimura, would you care to amend your motion to include C 2015-87 and C 2015-91 as well.

Councilmember Kualii: C 2015-87 and C 2015-91.

Councilmember Yukimura: I accept that as a friendly amendment.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: The motion is to receive all items on the Consent Calendar except C 2015-87, C 2015-91, C 2015-98, and C 2015-99.

The motion to receive C 2015-86, C 2015-88, C 2015-89, C 2015-90, C 2015-92, C 2015-93, C 2015-94, C 2015-95, C 2015-96, C 2015-97, C 2015-100, C 2015-101, C 2015-102, C 2015-103, C 2015-104, and C 2015-105 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. With that, staff, could we take C 2015-87 and C 2015-91 and we will have the motion to be referred to the Budget & Finance Committee Meeting?

COMMUNICATIONS:

C 2015-87 Communication (02/27/2015) from the Acting Director of Finance, transmitting for Council information, the Period 5 and 6 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of December 31, 2014, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015.

Councilmember Kualii moved to refer C 2015-87 to the April 1, 2015 Budget & Finance Committee Meeting, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion?

The motion to refer C 2015-87 to the April 1, 2015 Budget & Finance Committee Meeting was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item.

C 2015-91 Communication (03/06/2015) from the Acting Director of Finance, transmitting for Council information, the Period 7 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of January 31, 2015, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i, for the Fiscal Year 2014-2015.

Council Chair Rapozo: Can I get a motion to refer to the Budget & Finance Committee Meeting.

Councilmember Kagawa moved to refer C 2015-91 to the April 1, 2015 Budget & Finance Committee Meeting, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion?

The motion to refer C 2015-91 to the April 1, 2015 Budget & Finance Committee Meeting was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2015-98 Communication (03/13/2015) from Ernest W. Barreira, Acting Director of Finance, transmitting for Council consideration, a Bill for an Ordinance to amend Chapter 6, Article 14, Kaua'i County Code 1987, as amended, relating to the Public Access, Open Space, Natural Resources Preservation Fund to establish a "floor" appropriation minimum of one-half of one percent (0.5%), as stated in the Kaua'i County Charter, of the annual certified Real Property Tax revenues appropriated to the Fund.

Council Chair Rapozo: Thank you. Can I get a motion to receive, please?

Councilmember Yukimura moved to receive C 2015-98 for the record, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you.

Mr. Sato: We have one (1) registered speaker, Dorothea Hayasahi.

Council Chair Rapozo: Thank you.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Ms. Hayashi.

DOROTHEA HAYASHI: Good morning Council. Dorothea Hayashi. I want to specify that I am here as Dorothea Hayashi. Thank you for this Bill that will reflect the trying financial era that we have entered. Last year, I testified and appealed to you not to raid our open space funds. However to my dismay, a proposal to increase the funding was also included. That increase may have made some citizens happy; however, due to the condition of our County, I would like to say as a voting citizen of Kaua'i, I am happy that this Council is taking this step at this time and I am hoping that this Bill is amended. Is it an amendment? If it passes, our vehicle tax bill will not need to go forward is how I feel personally because if you folks are going to lift the vehicle tax, could this possibly counter that? That is my question. This vehicle Bill, I am not supposed to be talking about it probably, but I will. It will also impact those of us who are on fixed incomes. We still need a vehicle even if we have a bus. Kaua'i is such a place that you do need a vehicle. So, I would appreciate it if you could look at that possibility. I do not have very much to say; however, I again would like to reiterate that the bills in California on how they tax their citizens, I think, is an example that we could look into because of the fact that you pay the taxes at the time of your purchase. If the cap is there for us who have so many generations where our parents had worked so hard to leave these properties for their

children, I think this would be an example that you could possibly look into. Just look into it and see how it would possibly could be a positive for us. Thank you.

Council Chair Rapozo: Thank you. Mr. Kagawa.

Councilmember Kagawa: I just wanted to clarify for you and thank you for your testimony. Your testimony did make sense if you compare the offset because the effect of this Bill is that it would generate five hundred sixty-three thousand dollars (\$563,000) more to the...or it would take away from the Open Space and open up that much more for the General Fund. Five hundred sixty-three thousand dollars (\$563,000). If the vehicle weight tax is approved, it will generate eight hundred thousand dollars (\$800,000). So, if we take away the vehicle weight tax then we have the funds for the Open Space and we have more than what we would need.

Ms. Hayashi: May I just make a comment?

Councilmember Kagawa: Yes.

Ms. Hayashi: According to what I read, we are still going to be funded 0.05%, right?

Council Chair Rapozo: It sets the...

Ms. Hayashi: So, it is not like we are going to be totally cutoff?

Council Chair Rapozo: It sets the floor of 0.05%. The Council has the prerogative to set it wherever they want, but not lower than half a percent (0.5%) of the real property tax. That is what the Bill does versus what it was where it set a mandatory amount. So, it gives the Council the flexibility to do what they need to do to meet the budget.

Councilmember Kagawa: My next question...well, maybe I think I will withhold it. It is regarding any progress on the property adjacent to Salt Pond Beach Park that we are working out. That is what the Commission was working on.

Council Chair Rapozo: I do not. I am not sure what...

Ms. Hayashi: No, I will not comment on that.

Councilmember Kagawa: Okay, thank you. I will send a written communication.

Council Chair Rapozo: Yes.

Ms. Hayashi: May I also ask another question? Maybe I have two (2). I just want to bring it up. Right now, we have four million dollars (\$4,000,000). We could come to the Council, right, to ask for additional if the community feels that it is a vital area that we should have access to?

Council Chair Rapozo: Correct.

Ms. Hayashi: My third or fourth is my invitation to you all, and I am just going to leave it here. Because we are going to celebrate our sixty-fifth

anniversary for our Hanapēpē Library, we are having a big event this Saturday. I do not know about the Sunshine Law, but if you could time yourselves...

Council Chair Rapozo: Yes, thank you.

Ms. Hayashi: ...to come in.

Council Chair Rapozo: Thank you, Dorothy. Thank you. Hold on, you got a question from Councilmember Yukimura.

Councilmember Yukimura: Hi Dorothy. The Open Space Fund pays to acquire public access or to get open space. For example, if we would want to expand a beach park like we just did in Hanalei and we bought land. Are you saying that we should take from this fund and future generations, elderly, and young people who use the parks to subsidize road users?

Ms. Hayashi: I am trying to understand your question because my thing is first of all, I am not here to debate. All I am saying is that at this time, we do have enough funds I feel and we are going to be funded. That is my personal opinion. It has nothing to do with the Commission. We are going to be funded and I feel my answer is that. That is why I asked if there comes a time that we may need money that surpasses what we have in our funds, would we be able to appeal to the Council. I got my answer, I feel, and that is all I am concerned about at this time as a citizen of Kaua'i.

Councilmember Yukimura: Yes, I am not trying to debate. I just wanted to understand what your position is. You said that if we pass this Bill, that reduces the amount of property taxes we are setting aside for open space that we will not have to then raise the vehicle weight tax which has to pay for fixing our roads. It is for people who use our roads are paying to fix it. If you take away from the Open Space Fund, you are taking away from seniors and kids who need open space now and in the future.

Ms. Hayashi: Well, that is your opinion.

Council Chair Rapozo: Before you respond, that is the perspective of one (1) Councilmember.

Ms. Hayashi: Yes, that is what I am saying. That is your opinion and what I feel my opinion is my opinion. I am not going to argue that.

Councilmember Yukimura: Sure.

Ms. Hayashi: Thank you.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Thank you. Anyone else wishing to testify on C 2015-98, which is the Open Space Fund? If not, we will have the discussion later. Ms. Hayashi, I know you touched on the vehicle weight tax. Do you want to incorporate your testimony on both items or did you want to come back? I think you made your point.

Ms. Hayashi: I have to see you afterwards.

Council Chair Rapozo: Yes, I will see you afterwards. Okay.

Ms. Hayashi: That is fine.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: With that, there was a motion to receive.

The motion to receive C 2015-98 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-99 Communication (03/13/2015) from Ernest W. Barreira, Acting Director of Finance, transmitting for Council consideration, proposed increases of one-half of one cent (\$0.005) to the Motor Vehicle Weight Tax rates as outlined below:

1. Effective January 1, 2016
 - One-half of one cent (\$0.005) per pound for passenger vehicles.
2. Effective January 1, 2017
 - One-half of one cent (\$0.005) per pound for passenger vehicles.
 - One-half of one cent (\$0.005) per pound for freight vehicles.

(Council Chair Rapozo was noted as not present.)

Chair Rapozo, the presiding officer, relinquished Chairmanship to Councilmember Kagawa.

Mr. Sato: We have two (2) registered speakers. The first speaker is Glenn Mickens, followed by Dorothea Hayashi.

Councilmember Kagawa: Can we have a motion to receive?

Councilmember Kualii moved to receive C 2015-99 for the record, seconded by Councilmember Kaneshiro.

Councilmember Kagawa: Moved and seconded to receive.

There being no objections, the rules were suspended to take public testimony.

Councilmember Kagawa: Glenn.

GLENN MICKENS: Thank you, Ross. Thank you, BC. You have a copy of my testimony. Let me read it briefly. This is on C 2015-99. No more tax increases until we eliminate waste and inefficiency in operation of our government. Carefully go over the recommendations of our County Auditor in his eight (8) audits that he did so well. Was that not the primary reason you hired Ernie Pasion to streamline and save money without raising taxes and fees? My twenty-six (26) year old Toyota truck had its weight fee raised sixty-nine percent (69%) from 2010 to 2012. A little error there. My 1935 Ford convertible that I drive very little had its weight tax increased fifty-four percent (54%), one hundred three dollars (\$103) to one hundred fifty-nine dollars (\$159) from 2011 to 2014. Imagine vehicles weighing two (2) to three (3) times what mine weighs and the burden it will put on those owners

to pay these fees. If they are commercial vehicles and are for business, cost will just be passed along to the consumers who are already hurting with massive tax and fee increase. I am not sure. Do you guys have a copy? This was Ernie Pasion's audit of County capital project management, road maintenance in particular. Did you folks ever see this thing?

Councilmember Kagawa: I am sure we have, Glenn.

Mr. Mickens: I think you saw it. Let me just read you one (1) passage from this thing. "The County's Highway Fund is comprised of moneys subject to restrictions such as fuel, vehicle weight taxes, and public utility fees. The funds are co-mingled and used for various purposes including non-highway purposes so the County cannot ensure that the funds are being used as required by law. Recommend. We recommend that the Department of Public Works and Department of Finance amend their existing policies and procedures to include detailed policies of the Administration's use of the Highway Fund to ensure compliance with State law, restrictions on the use of fuel and vehicle weight taxes, and public utility franchise fees." Again, we are using our gas.

(Council Chair Rapozo was noted as present.)

Councilmember Kagawa returned Chairmanship to Council Chair Rapozo.

Mr. Mickens: The fees that we are supposedly taking for our roads to repair our roads, they are being siphoned off into other things. Why can we not just put those fees in a locked box? We would not have to keep on increasing our vehicle weight tax. In California, when you buy a vehicle, the weight tax is much higher than it is here, but each year it decreases. My 1935 Ford convertible was nine dollars (\$9), I think. It is the least you are pay for the thing. Over here, you keep paying the same –well, not the same because they keep increasing this vehicle weight tax. To me, there is something radically wrong with that to be able to have to keep increasing these things. We are looking for these fees. I am sorry. Okay. Thank you.

Council Chair Rapozo: Thank you.

Mr. Mickens: Thank you, Ross.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Thank you. Glenn, are you aware that the Department of Public Works has reported we have a one hundred million dollars (\$100,000,000) backlog in road repairs?

Mr. Mickens: Yes, I am.

Councilmember Yukimura: If we do not raise vehicle weight taxes, how are we going to being to work at that one hundred million dollars (\$100,000,000) so that our people have paved roads?

Mr. Mickens: But you are going on the assumption that we are going to have to raise the vehicle tax weight to pay for this. I am saying go through those eight (8) audits and let us streamline it. Let us go into those things and find out where the waste is before we put more taxes on the people.

Councilmember Yukimura: I believe there have been corrections made based on the audit, but that still does not give us the one hundred million dollars (\$100,000,000) we need.

Mr. Mickens: Have these things been really checked into?

Councilmember Yukimura: Yes, I believe they have. I will follow-up.

Mr. Mickens: Okay, thank you.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Anyone else who has questions for Mr. Mickens? If not, thank you, Glenn. Anybody else wishing to testify? I am sorry. Mr. Rosa.

JOE ROSA: Good morning. For the record, Joe Rosa. Some people have short memories. I have been here for a while from the day Mr. Doug Haigh was up here saying that they are going to build a bike path that should ease the traffic situation. JoAnn has a short memory that she cannot remember. Go back ten (10) years from when that bike path started, the County resurfacing road system has gone to the dogs. Think about it. Ever since this has come in, the highway repaving of County roads has lacked. It really has lacked. You can see it. Why penalize the public for something that is not totally needed to those health enthusiast that they could ride around in the park areas or in the neighborhoods? There are a lot of people that ride in the Isenberg neighborhood that comes from Hanamā'ulu even from Molokoa here. When their children are practicing, they are walking around the park. It is safe and it has not been proven that it has eased the traffic in Kapa'a. There was a lot of hogwash that was presented here and the people have been penalized when the roads were not being up kept and paved the way it was supposed to be. Think about it. Some people have short memories, but I might have a mind or a brain of an elephant. I think about all of these things going on. Do not penalize the people. Tax, tax, tax. We have sixty-one thousand (61,000) plus people. Out of that amount, how many people are taxpayers? Let us say half. How can you get volume in tax money to do things that you want? Kaua'i is the lowest population of all of the Counties. We are up to our necks with taxes. People are fed up with it. I just talked in the public and talking about taxes. What is going on? Gas tax, vehicle weight tax. The State has a gas tax and they take care of their highways, but yet we are not getting our share also because when I was with Department of Transportation (DOT), I had to say, "Where is the Kaua'i share?" At that time I mentioned that to the Directors. There was the move to small cars that get thirty (30) miles to a gallon. I said, "That means the people are going less to the pumps, less revenues." How can you meet your quotas or your funding? Those are the things that have come about to ease the gas problem.

Council Chair Rapozo: Mr. Rosa, your three (3) minutes are up.

Mr. Rosa: Yes. It has cut our funds. The thing is, taxes are enough.

Council Chair Rapozo: Mr. Rosa.

Mr. Rosa: People are fed up with it. Thank you and please, put everything in perspective...

Council Chair Rapozo: Thank you.

Mr. Rosa: ...where better cost control comes in.

Council Chair Rapozo: Thank you very much. I agree. Next speaker.

MATT BERNABE: Good morning again. For the record, Matt Bernabe. I will be quick. I have a question. Can anyone of you Councilmembers tell me the ratio of County linear roads on Kaua'i versus State roads? I think there is only three hundred (300) miles of County road, right? I may be wrong give or take some. At three hundred (300) miles of road, some of them are really nice. If you go to Waipahee Monument, that road is all nice. I mean, granted they have the rich people up there. Maybe they put in some of their own money, but I saw our own people pave that road. My question here is if you do this tax, how much is it going to cost to actually do our roads competitively and if there is a surplus, what will you folks do with it? Do you put it in a box like the gentleman said or do you folks allocate that to different areas. If this is a money drive to get other areas funded, then I would like to point out to JoAnn because she asked the question previous, how do you get the money? Well, I fish once again. I go to the west side. I see nothing but weeds right after Salt Pond all the way. That whole farm lot is nothing but fallow land and I bet you any money that they are getting a farming agricultural rate on taxes. If you want to put the question out there how do we generate revenue, why do we not reassess the people that are not actively engaged in agriculture, reset what they are paying for the non-usage land which will either do two (2) things; generate revenue or force them to do agriculture which would make more jobs, more this, and more everything. That is to JoAnn because she asked the question. Most of the roads I ride are State roads. I do not know why we are not advocating for more State. Most of the backroads I used, they are really broken because the State highway system is so congested that they are going to other arteries. They are going to be back roads. I mean, I think they are interconnected here. This has to be a double-pronged front here, right? Push the State to get on their half of the job and then come up with some creative ways that are not taxing the citizens more. We are pretty taxed. Thirty-two dollars (\$32) for rubbish, that is the highest in the State per County, I believe. I am just saying we have to come up with some better ways to ax the people that can afford the tax. We cannot afford it. I have kids. We are struggling and we are not even the worst of it. It is hard to eat when you see other people struggling too. Do you know what I mean?

Council Chair Rapozo: Thank you, Mr. Bernabe. Just so that you know, the State did raise their vehicle weight tax as well a year ago or so. I do not want to push them too much because then they will raise their State weight tax and we would just be whacked again. I think you touched on it, the efficiencies. Anyone else wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: There is a motion to receive.

The motion to receive C 2015-99 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

Mr. Sato: Next item is on page 5 of Communications.

C 2015-106 Communication (03/06/2015) from the Fire Chief, requesting Council approval to receive and expend the recurring Volunteer Fire Assistance Grant No. 14-DG-11052012-122 in the amount of \$18,750, which provides federal financial, technical, and other assistance to organize, train, and equip fire departments in rural areas to prevent and suppress fires: Councilmember Kualii moved to approve C 2015-106, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Anyone wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-106 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-107 Communication (03/10/2015) from the Executive on Transportation, requesting Council approval to apply for, receive, indemnify, and expend an additional allocation from an existing annual grant award from Federal Transit Administration (FTA) Section 5311 funds provided to the County of Kaua'i in the amount of \$1,000,000, for operational and capital expenses: Councilmember Kagawa moved to approve C 2015-107, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you. I am going to be requesting that this be referred to the Budget & Finance Committee. I am reading the justification and from what I am reading, and I do not want to get into lengthy discussion at the Council Meeting, but this one million dollars (\$1,000,000) grant involves six hundred seventy thousand dollars (\$670,000) of local funds. That is a lot of money and the justification on this sheet and there may be more. I am only going with what I received. Proposed work. Operate County transit system for the County Fiscal Year 2016, from July 1, 2015 to June 30, 2016, estimated number of trips is eight hundred sixty thousand (860,000), and that is pretty much it. I want to see more. I am very concerned about the Transportation Department right now and the amounts of funds that are being sent that way. I would ask if we can have this sent to the Budget & Finance Committee. It involves what I believe is a substantial County funds. That is my request. Councilmember Kualii.

Councilmember Kualii: I actually also had some thoughts on that because what I was going to ask because the language here sounds a little bit different than the typical grant language and I did not understand why it has additional allocation and then from an existing annual grant. It is like a grant out of a grant. I mean, I had questions too. I would support referring to the Budget & Finance Committee.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I do not have a problem with referring it, but I want to ask whether there are any time considerations.

Council Chair Rapozo: Are there any time considerations?

Councilmember Yukimura: Can we have them come forward for the record, please?

Council Chair Rapozo: She can nod yes or no. Is there time considerations? Yes. Okay, then I will suspend the rules if there are no objections.

There being no objections, the rules were suspended.

Council Chair Rapozo: Can you come up please? I just want to know what the time restriction is. Go ahead. State your name for the record.

CELIA M. MAHIKOA, Executive on Transportation: Celia Mahikoa with the County Transportation Agency.

Council Chair Rapozo: Celia, is this time sensitive?

Ms. Mahikoa: Relatively speaking, yes.

Council Chair Rapozo: Can it wait two (2) weeks for a Committee Meeting? I mean, one (1) week for a Committee Meeting and two (2) weeks for a Council Meeting?

Ms. Mahikoa: For three (3) weeks total, yes.

Council Chair Rapozo: Two (2) weeks total.

Ms. Mahikoa: Two (2) weeks, yes.

Council Chair Rapozo: Thank you. That is all.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa withdrew the motion to approve C 2015-107. Councilmember Kualii withdrew his second.

Council Chair Rapozo: Thank you. Go ahead and make the motion to refer.

Councilmember Kualii moved to refer C 2015-107 to the April 1, 2015 Budget & Finance Committee Meeting, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Anyone wishing to testify on this matter?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Mr. Kagawa.

Councilmember Kagawa: Thank you. I want to first thank the Transportation Agency for submitting this grant to the federal agency for this kind of amount. Getting amounts for operations as well as eighty percent (80%) to replace

two (2) bus fleet vehicles, to me, is doing a really good job for the County taxpayers in seeking federal funds to accomplish our goal of funding transportation. I will likely be supporting it all the way through. Thank you.

Council Chair Rapozo: Anyone else? I would just like to say, Celia, I am very concerned. We have a lot of busses on the island and I am not sure if they all work. I am not sure what the statuses of these busses are. I have had concerns about the route management. We see a lot of full busses, but we see a lot of empty busses and I am really concerned that the fact that federal money is available does not justify the County going after it. To come up and have to kick in another six hundred seventy thousand dollars (\$670,000) on a system that may not be operating efficiently, to me, is best to leave that money alone. That is just my thinking. This County tends to go after money and we celebrate the money, and then we end up paying for something that we see no real benefit or no real efficiencies. It goes right up to what Mr. Bernabe was saying earlier. I have concern about the busses and many do. I get E-mails and I am sure we all do, and the number of busses that are parked. We get free busses from Honolulu that are parked. We have efficiency issues. Just because we have money available does not give us the right to go get it. If it was free money and we had no County input, then I would say, "You know what? What do we have to lose?" In this case, I want to see what our County money is, the real dollars, and I want to see what the one million six hundred thousand dollars (\$1,600,000) is going to go for. This does not tell me that. This tells me that we are going to buy a new bus. What happens to the old bus? Do we auction it? Do we sell it? Do we leave it in the lot so everybody can write to me and say, "Why do we have all of these busses?" Are we working on our route management so we can most efficiently use the bus system? That is what I want to see. The six hundred seventy thousand dollars (\$670,000) is a lot of County money and wherever it is coming from, I do not even know, and it is not explained in here. We will have that discussion in the Committee. Councilmember Yukimura.

Councilmember Yukimura: Yes. Mr. Chair, it is really hard when you make these accusations and there is not a chance right now to actually ask questions and have a discussion about it. One thing about empty busses I have you say is you are never going to see full busses all the time even in the best bus systems because the nature of bus is you come from the outlying areas where the bus begins with one (1) or two (2) people or three (3) or four (4) or five (5) or whatever it is and as you move into the main city and area, it becomes a full bus. When you are going back out, the same thing happens. I have ridden these busses to the west side. They are full in Lihu'e and by the time they get to Waimea or Kekaha, they are not full anymore. That is the nature of bus systems and the same thing when it goes late at night, there are few people and when it is in the peak hours, it is full. You will see that in the roads too. Your roads will never be always full and you are going to have them empty sometimes. Are you going to say, "Because of this, we do not need roads?" That just does not make sense.

(Councilmember Chock was noted as not present.)

Council Chair Rapozo: No, that does make not. That is apples and oranges, but that is your opinion. I will say the allegations I make, just because I do not bring it up on the floor and humiliate people up on the chair does not mean I am not doing my due diligence in the back. It does not mean that I am not sending over

requests for answers in paper. I have. I have and I have gotten responses that I am not very satisfied with. I will leave it at that. We will have the discussion in open next week. Thank you.

The motion to refer C 2015-107 to the April 1, 2015 Budget & Finance Committee Meeting was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Chock was noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Motion carried. Next item.

Mr. Sato: We are at the top of page 6.

C 2015-108 Communication (03/12/2015) from the County Engineer, requesting Council approval to apply for, receive, expend, and indemnify the State of Hawai'i, Department of Transportation for State Planning and Research Program (SPR) funding for the following:

1. The first grant will be used for a Bus Stop Pedestrian Access study to develop concept plans and establish priorities for Americans with Disabilities Act (ADA) compliant and safe pedestrian access to bus stops. The project will cost two hundred thousand dollars (\$200,000), and the SPR funding request is for one hundred sixty thousand dollars (\$160,000).
2. The second grant will be used for plans, and Environmental Documents / Clearances / Cost Estimates relating to the Westside Shared Use Path Phase I. The project will cost two hundred fifty thousand dollars (\$250,000), and the SPR funding request is for two hundred thousand dollars (\$200,000).

Council Chair Rapozo: I would request the same referral.

Councilmember Kualii moved to refer C 2015-108 to the April 1, 2015 Budget & Finance Committee Meeting, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Councilmember Yukimura.

Councilmember Yukimura: I just have a question about the time again.

Council Chair Rapozo: Sure.

There being no objections, the rules were suspended.

LEE STEINMETZ, Transportation Planner: Hi, my name is Lee Steinmetz. I am a Transportation Planner with the County. This one does have an application deadline of March 31st. So, we would not have the time to refer this to Committee and back, and submit our application by that time.

(*Councilmember Chock was noted as present.*)

Council Chair Rapozo: Why the delay?

Mr. Steinmetz: I am sorry.

Council Chair Rapozo: Why did it just come up today if you have a deadline of March?

Mr. Steinmetz: Because we did not receive the notice or call for application until fairly recently. We went through the process of putting the grants together and deciding what we were going to apply for. We got this to Council as soon as we could within the timeframe that we had.

Council Chair Rapozo: Okay. Well, I am obviously not inclined to support it today. So, we can go ahead and ask some questions. Councilmember Yukimura.

Councilmember Yukimura: Yes. Does this require a match?

Mr. Steinmetz: Yes, it does. It is very similar to the State Transportation Improvement Program. It is a twenty percent (20%) local match and eighty percent (80%) funding from Federal Highways through Hawai'i Department of Transportation (HDOT).

Councilmember Yukimura: Will it be State match moneys?

Mr. Steinmetz: No. I am sorry. It will be a local match.

Councilmember Yukimura: Okay.

Mr. Steinmetz: Which we have worked with our CIP Manager, Keith Suga, to identify a match that we would be able to provide.

Councilmember Yukimura: Where is that match coming from and how much is it?

Mr. Steinmetz: The first project is a two hundred thousand dollars (\$200,000) total budget and the local match would be forty thousand dollars (\$40,000) for that, one hundred sixty thousand dollars (\$160,000) coming from Federal Highway Administration (FHWA).

Councilmember Yukimura: Okay.

Mr. Steinmetz: The second one is a two hundred fifty thousand dollars (\$250,000) grant of which two hundred thousand dollars (\$200,000) would be federal funds and fifty thousand dollars (\$50,000) would be our local match.

Councilmember Yukimura: The programs for which you are asking the moneys is a Bus Stop Pedestrian Access. Can you explain what this is?

Mr. Steinmetz: Sure. As you know, we have been working on our bus shelters at our bus stops. There are forty-nine (49) bus stops that will receive bus shelters. As a part of that, we are making the bus stop itself American's with Disabilities Act (ADA) complaint. So, there has been construction of a bus stop pad that is ADA compliant. When people get on and off the bus, that whole transition from the bus stop to the bus is ADA compliant. However, having an ADA accessible path to the bus stop itself from the surrounding area is not part of that project and we have several areas where we do not have safe pedestrian access to the bus stop itself. This is taking the next step of looking at these priority bus stops that have already been identified and that will have shelters, and look at what are the

pedestrian infrastructure needs around that bus stop so people can access the bus stop safely and have it ADA compliant.

Councilmember Yukimura: So, it will enable elderly and people with disabilities, more of them, to use the main line busses?

Mr. Steinmetz: Yes.

Councilmember Yukimura: That is going to just make the whole bus stop system more accessible?

Mr. Steinmetz: Correct. That could also have implications on our paratransit in that we can have more people that can be served by the main service that will be able to transition to the main service and not have to serve through paratransit.

Councilmember Yukimura: The per ride cost in paratransit is twenty-five dollars (\$25) and the main line is five dollar (\$5). So, you will be promoting a more efficient bus system if you enable the main line to be more accessible?

Mr. Steinmetz: Yes, that is correct.

Councilmember Yukimura: Okay. Tell me about the second project.

Council Chair Rapozo: Hang on. I have a follow-up.

Councilmember Yukimura: Oh, okay.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: If I can follow-up and then you can go back to Councilmember Yukimura. Lee, in order to try and be more efficient, we currently have bus stops right now that we probably have receive complaints from ADA asking if we can make it more accessible. I am sure that not every stop is by ADA. I am wondering if we are focusing our efforts to try and meet the needs out there that already are being request by the public for ADA upgrades. Are we doing that or are we just looking at doing all of them ADA compliant? Are we working to try and be efficient to meet t needs of the community?

Mr. Steinmetz: Thank you. That is a really great question. What I want to say is as part of this planning study, we will be identifying priorities of which bus stops should be improved first. So, we are not going to try to go out and do all fifty (50) or whatever at once, but we will have a conceptual plan for each bus stop and then we will be able to say, "Okay, these are our to five (5) or our top ten (10) priorities" and actually do construction based on priorities. Certainly, that can be one of the criteria that we look at, is where we need to serve a certain population. That can absolutely be one of the criteria that we look at.

Councilmember Kagawa: Also, the bus drivers can help provide that help. So, this plan will help identify that priority list?

Mr. Steinmetz: Yes.

Councilmember Kagawa: Thank you. Thank you, Chair.

Council Chair Rapozo: Mr. Kaneshiro and then Mr. Kualii.

Councilmember Kaneshiro: Whether we are getting the funding or not, is this a type of a plan that is something that is going to be required in the future or is it something that we are doing voluntarily now just to make the access easier?

Mr. Steinmetz: I mean, that is a good question. We are required to provide ADA access, but that is a requirement but how that gets implemented is basically lawsuit driven that if a County or whatever gets sued that they are not compliant, then of course we have to do that. We are trying to be ahead of the curve and meet that. Also, I just want to mention that it is intended of course, to be ADA complaint, but it is intended for all of our population to make it safer and easier for people to get to access our busses. So, really, we are intending this to be for everybody.

Councilmember Kaneshiro: Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Thank you for being here. Councilmember Kagawa pretty much talked about establishing the need or the priority locations. That is what came to me immediately. Obviously this is not a lot of money. So, this is actually just to do the study to figure out where that is. It is primarily the bus stop themselves are ADA compliant because we know that it was costing so much with engineering costs so they are putting the concrete in such a way, but then there is no sidewalk to get to it. It really seems kind of backwards. I think Councilmember Yukimura often talks about the solid waste and landfill about doing things backwards. It seems like you are going to make the study now, but we have all of these bus stops going in and we are spending all of this money for these small simple looking bus stops that cost whatever it was, forty thousand dollars (\$40,000). We have been told it is because of the engineering, but yet this very engineering for the ADA compliance does not even make sense because the bus stops are sitting out there on an island where somebody on a wheelchair cannot get to. It is kind of frustrating to hear that now you are doing the study. Then, how are you going to get to the point where at least the first five (5) bus stops, which are critically important and serving the most handicap or citizens are done like yesterday? That is as important as getting people in their wheelchairs out of the rain. Thank you.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Yes, thank you. Just to be clear on how the money works. It is my understanding the first project is two hundred thousand dollars (\$200,000), the County would put up forty thousand dollars (\$40,000), and we would get one hundred sixty thousand dollars (\$160,000) from the State for this grant?

LYLE TABATA, Deputy County Engineer: No. We put up forty thousand dollars (\$40,000) and the federal government will put up one hundred sixty thousand dollars (\$160,000) for a total of two hundred thousand dollars (\$200,000).

Councilmember Hooser: Right. That is what I thought I said. Okay. It costs the County forty thousand dollars (\$40,000) and we get four (4) times that...

Mr. Tabata: It is an eighty/twenty (80/20) match.

Councilmember Hooser: Yes, right. To do a project that if we are committed to public transportation needs to be done both legally as well as for our ridership?

Mr. Tabata: That is correct.

Councilmember Hooser: Okay. I want to talk about item number 2 also. Should I talk about that now?

Council Chair Rapozo: Councilmember Yukimura had a question on the second part.

Councilmember Hooser: Okay.

Council Chair Rapozo: We will go back to Councilmember Yukimura.

Councilmember Hooser: Thank you.

Councilmember Yukimura: Actually...

Mr. Tabata: Lyle Tabata, Deputy County Engineer. When the current Administration came in, and I agree, we saw a lot of these bus stops on islands and we felt we needed to improve accessibility. This is the genesis of us making our County more accessible. I am not going to throw anybody under the bridge who came before us, but you are right. Planning should have been done previously, but we have a Transportation Planner now thanks to Councilmembers who pushed for the ability for us to fund the position and I think that we are moving our County forward towards a better reality. Everything that we are going to be doing is by prioritizing and that is what this study hopefully will get us to.

Council Chair Rapozo: We are going to take a caption break, but I just want to clarify. Lyle, it was this Administration that told us as Councilmember Kualii said, that the exorbitant cost of these bus stops included the planning and the design of the ADA component. That was why you took a two thousand dollars (\$2,000), three thousand dollars (\$3,000), four thousand dollars (\$4,000) shelter pre-fabrication and it goes to forty thousand dollars (\$40,000) or forty-five thousand dollars (\$45,000). That is what we were told and it was this Administration that told us that.

Mr. Tabata: Of the installations.

Council Chair Rapozo: Correct.

Mr. Tabata: Of each installation.

Council Chair Rapozo: Correct.

Mr. Tabata: But it was well-known by everybody that there was no connector route to the bus stops.

Council Chair Rapozo: Well, JoAnn, let us take the caption break now because I know we are going to spend some time on this. Let us take a ten (10) minute caption break and we will return with Councilmember Yukimura with the floor. Thank you.

There being no objections, the Council recessed at 10:26 a.m.

The meeting was called back to order at 10:39 a.m., and proceeded as follows:

Councilmember Yukimura: I first want to have a follow-up question on the first project. In proposing to do this kind of connectivity to the bus shelter, you actually did that in the first nine (9) because some of the bus shelters you are building right now are already fully connected. Is that correct?

Mr. Steinmetz: That is a really good point. Yes, I did want to mention that as well, that not every single bus stop that we have has ADA issues. Several of them are fine. For example, the new bus shelters by Kaua'i Community College, there is the nice sidewalk that was part of the highway work already. So, that is all complaint. We have other bus stops throughout the island. Kojima's for example in Kapa'a or some of the bus stops in Waimea...

Councilmember Yukimura: Ishihara Market.

Mr. Steinmetz: Ishihara Market, thank you, already have good accessible paths of travel to those bus stops. Obviously, as part of this study we want to note that and note that those are already fine, and then we would be focusing on the ones that do not have as good of access. Also, if I could go back to Councilmember Kualii's comment for a moment that the reason this was not studied earlier is that the focus of that study of the bus shelters was the bus shelter itself because we can keep kind of getting into larger and larger circles. Based on the funding that we had available to do the design and engineering, the decision was made to focus on the bus shelters with the understanding that we do need to look at this as well.

Councilmember Yukimura: So, this is like a second phase to the bus shelters that you are putting in?

Mr. Steinmetz: Correct.

Councilmember Yukimura: Okay. My question about the second phase, you say the West Side Shared Use Path Phase I. What West Side Shared Use Paths are you talking about?

Mr. Steinmetz: Back in 2012 there was a West Side Path Alternatives Report that was prepared through another grant from the Centers for Disease Control and Prevention (CDC). That study just looked at various alternatives basically looking at west side paths between Hanapēpē and Kekaha. There were various alignments and various segments, and through that community process, the highest priority project and segment of that was to connect Waimea and Kekaha along the existing highway right-of-way. That is one segment that we would be looking at advancing in terms of getting through our environmental clearances and getting initial engineering done. We plan to collaborate with HDOT because this is on highway right-of-ways. So, when we get into actual construction of that, we will be talking with HDOT more about perhaps they construct instead of us. We still have to have that conversation. The second piece is looking at a connection between Hanapēpē Town and Salt Pond Beach Park. This is something that came up when we were doing our Hanapēpē Road Design charrette. It has come up before, but a lot of people have talked about wanting to have a connection from town to both tot Hanapēpē Stadium and Salt Pond Beach Park. There were some alignments that were briefly identified, but that really was not the focus when we were looking at

Hanapēpē Road. It is kind of a spinoff that came out of that. So, now this would allow us to really identify what the alignment might be for that, what I would call a "spur trail."

Councilmember Yukimura: People have been very excited about the Ke Ala Hele Makalae. There are actually come west siders who come to the east side to use it, but this project would now start developing concepts for having shared use paths on the west side? Okay. You are going to be using grant money on an eighty/twenty (80/20) match again as well?

Mr. Steinmetz: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you. Can you explain a little bit about the Hanapēpē Town to Salt Pond Beach Park path? Where does it hit the State highway and what is the plan to cross over the main highway or at what location are you folks looking at?

Mr. Steinmetz: We are looking at crossing the State highway at the existing signalized intersection near the park so that it is a safe signaled crossing.

Councilmember Kagawa: You are talking about across the Buddhist Church?

Mr. Steinmetz: Correct.

Councilmember Kagawa: I mean, the Kaua'i Soto Zen Temple Zenshuji?

Mr. Steinmetz: Yes.

Councilmember Kagawa: So, that would be the crossing? Where would it hit from the town to the main highway?

Mr. Steinmetz: We have to look at that a little bit more. That might be an on-street. That might not be an off-street path. That might be bike lanes. We have to look at how we would actually get through town over to that location.

Councilmember Kagawa: That is something that is still up in the air? I do not believe there is much room fronting the old Green Garden Restaurant and such. All of that is going to need to be considered right now?

Mr. Steinmetz: Correct.

Councilmember Kagawa: Like how to create that bike lane in working with the State right-of-way and such?

Mr. Tabata: Lyle Tabata, Deputy County Engineer. Councilmember Kagawa, in our Hanapēpē Road Design charrette, the community participated in outlining for us possible routes that they wanted us to look at. So, this would be the refinement of that and focus just on the path. It is an offshoot from

that Hanapēpē Road Design charrette. It would focus just for the path and bring that information that we got from the community to the table forward and just focus on those options they brought forward.

Councilmember Kagawa: So, we would be looking at a shared bike and walking path for now?

Mr. Steinmetz: Yes.

Councilmember Kagawa: Thank you. Going on to the Kekaha/Waimea connection, so you are looking at connecting from the fork all the way to Waimea Canyon Park area on the *mauka* side of the highway?

Mr. Steinmetz: Yes.

Councilmember Kagawa: Just one (1) side? Thank you. Thank you, Chair.

Council Chair Rapozo: Councilmember Kualī'i.

Councilmember Kualī'i: I wonder if you can answer in the Hanapēpē Community Design charrette, these two (2) first projects was what rose to the top? Another one I would think would be getting from the town up into 'Ele'ele because there is so much commercial activity there and then there is the 'Ele'ele subdivision. So, that connection. I know that there is a little sidewalk of sorts on the side of the highway now, but as a County, are we looking at that also or do we consider that as adequate?

Mr. Tabata: Just to clarify, there is the highway path which is in the State Highway right-of-way and then there is another switchback pathway from the elementary school down into Hanapēpē Town. It daylights right at where the Hawaiian Telecom switching station is and we have a crosswalk right there. Part of the Hanapēpē Town charrette improvements is to look at that crossing and make it safer. We have some renderings which the consultant is finalizing and I believe when we are done with the report, we will be coming to present it to Council.

Councilmember Kualī'i: In essence you are saying that is the alternative to the highway sidewalk?

Mr. Tabata: Well, it is an existing path right now that...

Councilmember Kualī'i: That can accommodate bicycles as well?

Mr. Tabata: No, pedestrians right now.

Councilmember Kualī'i: So, both are pedestrians?

Mr. Tabata: Yes.

Councilmember Kualī'i: Okay. Thank you.

Councilmember Kagawa: Follow-up.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Just a follow-up question. You are talking about the trail from 'Ele'ele Elementary School down to the town?

Mr. Tabata: That is right.

Councilmember Kagawa: That is the famous trail that I have walked many times. Is it possible to walk your bike down that because I have not walked down that trail in probably forty (40) years?

Mr. Tabata: I believe so.

Mr. Steinmetz: I think you could. I mean, it is a pretty steep trail and again, we are looking at a Phase I that would be the piece between Waimea and Kekaha and the spur. The West Side Path Alternatives Report actually looked at several different segments and several different alternatives for each segment. We are just picking the number one priorities. That does not mean that we could not look at other alternatives between 'Ele'ele and Hanapēpē in the future.

Councilmember Kagawa: Thank you.

Mr. Steinmetz: But because there are these existing pedestrian paths now, I think that is why this other path came up as a higher priority in that study and in our charrette.

Council Chair Rapozo: You are not talking about Moi Road, right?
The concrete. Hanapēpē.

Mr. Tabata: No.

Council Chair Rapozo: That is not even being considered, right?

Mr. Tabata: Our Roads Division is looking at Moi Road.

Council Chair Rapozo: I mean, we have been asking since 2002 and we cannot seem to...

Mr. Tabata: We have elevated it to priority. We are looking at it.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: Thank you. I have a question. I am trying to wrap my head around it. When you say "path," what are we looking at as far as path? There is a walking path, there is a biking path, is it a combination of the two (2), is it concrete, or it is just a maintained trail? I am just trying to wrap my head around it. When you folks are saying "path," what are we talking about?

Mr. Steinmetz: Thank you. That is a great question. We are looking at a shared use path that would be for bicyclists and pedestrians. It would be similar to our east side path. It would be a paved surface. It could be concrete. It could be asphalt. It would be grade separated. For example, the Kekaha to Waimea piece, it would not be like a shoulder of the highway. It would be separate from the highway and separated by a swale so that here is protection and distance from cars to this facility.

Councilmember Kaneshiro: Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: For example, in the Waimea-Kekaha path, kids would be able to bike to and from Kekaha to the swimming pool or the school or that kind of thing and even elderly would be able to walk safely rather than like the shoulder of the road?

Mr. Tabata: Yes.

Councilmember Yukimura: It would be separate from the road because there are a lot of big trucks that go on that road?

Mr. Steinmetz: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Just to restate it. It is intended to model after the east side shared use path/bike path/walking path that goes along the coast there? In general, the long-term plan is to do something like that on the west side? Is that correct?

Mr. Tabata: Yes.

Councilmember Hooser: Is it safe to assume the community wants this and is excited about it?

Mr. Tabata: Yes.

Councilmember Hooser: Okay.

Mr. Tabata: Very excited.

Councilmember Hooser: Okay. I mean, that is what I wanted to hear. This is important to the community. It is not just something that the County wants to do. It is something the community asked for.

Mr. Tabata: Yes.

Councilmember Hooser: Okay. Thank you.

Council Chair Rapozo: Is the community excited about a path along the coast like Wailua or along the highway because that is what I have heard? They want one along the coast too. The practical reality is, is that something that this County can accomplish in the next ten (10) years knowing the fiscal situation. I am beginning to wonder if we are even understanding the financial crisis that we are in right now.

Mr. Tabata: Just to clarify earlier statements, the east side path is using set aside funds that cannot be used for resurfacing of our highways. There are special funds and that was under the Safety Lieu Program and moving forward under Map 21, there is another fund that has been carved out called

"Transportation Alternatives Funds." So, that is the target funding that we are looking at from the federal government.

Council Chair Rapozo: But that comes with a cost to the County.

Mr. Tabata: On the east side path, we have been using what we call "soft-match," no dollar so to speak, but a soft-match meaning infrastructure. We receive land to create the path and that value was used as a match. For the west side, we anticipate using something similar.

Council Chair Rapozo: What is the anticipated cost of the west side path and what is anticipated...

Mr. Tabata: Well, that is what these studies are for.

Council Chair Rapozo: Well, we should have a ballpark using the numbers of the east side.

Mr. Steinmetz: I am sorry. I do not have a number for you.

Council Chair Rapozo: I think we need to know. Anyway, I will save my comments for later. Any other questions? Go ahead, Councilmember Yukimura.

Councilmember Yukimura: I know that on the west side, you had a committee. I am sorry, not on the west side. They are both on the west side. For the Waimea-Kekaha path, you had a Citizen's Advisory Committee. I think Mr. Ibara was the Chair, right, in terms of community support?

Mr. Tabata: Yes.

Councilmember Yukimura: I remember. Thank you.

Council Chair Rapozo: Any other questions? Pertaining to the first grant with the priorities for ADA, do we not have that information already? I would assume we should know where we have complaints and the bus stop not accessible. Do we not have those records now? Do we not have that ability to analyze the data based on what we have?

Mr. Steinmetz: Yes. We have information of which where we have issues with accessibility. What we do not have are concept plans of how we are going to resolve those issues. As we have been working on our Safe Routes to School plans for example around various schools, there are a lot of different alternatives of how we can provide pedestrian access. In some cases it might be a traditional sidewalk with curb and gutter which we would only do in some areas and not others because of people's value of our rural character and other areas we are looking at a flushed paved route that would be flush with the roadway but separate. In other areas, it might just be a striped should. So, really, what we need to do is go into more detail about what is going to be our proposed solution at each of those locations where we have a problem. That is the work that we have not done that we want to do through this project.

Council Chair Rapozo: We cannot do it in-house with our in-house expertise?

Mr. Steinmetz: It could be done, but because we have so many other things that we are doing, it would be difficult with the manpower that we have to actually do that in any kind of timely manner.

Council Chair Rapozo: Okay. I know Councilmember Kualii said that it is just a small amount of money and granted in proportion to our budget, it is. Do you know you many small amount of money requests we get throughout the year? It adds up. Again, I am just wondering as far as the second grant, what is the Administration's plan or timeframe to build the alternate path on the west side realistically? We did not finish the one we started. We are one hundred million dollars (\$100,000,000) backlogged in road paving is what we were told. When is the Administration thinking they are going to be able to get this done?

Mr. Steinmetz: We do not have a timeframe for that.

Council Chair Rapozo: Right.

Mr. Steinmetz: What I would say though is the more that we have plans in place, the more that we can look for funding to be able to get them done and either not use County funds at all or leverage our funds. For example on the east side, we were able to use the donations of land as a soft-match and get the east path built over many years using that as a match for federal funds. I think the same approach might work on the west side and especially because this is on HDOT right-of-way, I cannot obviously commit for HDOT, but part of the conversations we want to have is, "Hey, can the State build this?"

Council Chair Rapozo: Have we had any discussions with the State?

Mr. Steinmetz: Yes, we have.

Council Chair Rapozo: What is their temperature?

Mr. Steinmetz: Their temperature right now is they are very supportive of the idea, they are very supportive of us giving a kick start to this project by doing the planning, and they have not made a commitment that they would build it. We want to continue to have those discussions as we go through this process.

Council Chair Rapozo: Okay. Well, that is fine. Councilmember Yukimura.

Councilmember Yukimura: Would you say that this proposal is probably the most cost-effective way to do the work that needs to be done especially using outside money, not our own?

Mr. Tabata: Yes.

Councilmember Yukimura: I like that concept which I think you folks have been using where you get the design and planning done so that you are shovel ready and then when opportunities of money come up. I think even when Ray McCormick and Ed Stiffen were before us, Mr. Stiffen said that Ray is really good at grabbing moneys that other Counties are not able to use because they are not ready, but because we are ready, we can move and use those moneys.

Mr. Tabata: Yes. We were accused of learning too fast from Mr. McCormick when Mr. Dill and I came on board. We have a number of

projects that you see we are launching because we have brought them forward to be able to launch them and to have projects on the shelf "shovel ready" is a prudent thing to do because we are limited to our ten percent (10%) share of the whole State's volume of money. If we are ready and there are bound to be projects annually that falloff from the other jurisdictions, if we are ready, we will get the money regardless of the percentage that was explained previously.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Any other questions? Councilmember Kaneshiro.

Councilmember Kaneshiro: Even with the ADA Bus Stop Pedestrian study, you are saying that there may be additional funds available through Federal or State? I see us spending forty thousand dollars (\$40,000) on a study but that is just scratching the surface because when we actually need to do the work, that is where the big money comes in.

Mr. Tabata: If the work is connected to a federal aid road of which we have one hundred sixty-seven (167) miles in our County that are County owned and one hundred fifty-four (154) miles of State highways, we will leverage those to get the federal funds. On our local roads, we are responsible for the repairs or the improvements ourselves.

Mr. Steinmetz: If I could add to that. There are other funding sources that are one hundred percent (100%) funded with no match. For example, there are Community Development Block Grant (CDBG) funds that may be applicable to some of these improvements. Bus stops around schools, we could incorporate into a Safe Routes to School grant which is one hundred percent (100%) funded. So, what we would be doing is taking this plan and then looking at how we can get this done in increments using as much as possible these other funding sources whether it is a twenty/eighty (20/80) match or one hundred percent (100%) funded so that the County is not using its funds to bear one hundred percent (100%) of the construction cost.

Councilmember Kaneshiro: Thank you.

Council Chair Rapozo: Any other questions? If not, thank you. Anyone in the audience wishing to testify?

Mr. Sato: We have one (1) registered speaker, Glenn Mickens.

Mr. Mickens: For the record, Glenn Mickens. Thank you, Mel. One of the best things I have heard is from Arryl and KipuKai pertaining to this ADA issue. We are "ready, fire, aiming" again. We are going to spend all of this money on planning, consultants, and thing to do this. They are going to get their money. We are not going to be able to stop that. They are going to get their money. So, they are very happy that way. How are these wheelchair people going to get to that issue if we do not look at that issue first? It has to be put in place first before we go ahead with Phase II to be able to do it. When they do things for these ADA people like the sidewalks, they have the ramps where you go. I do not think they can pick and choose where they want to do it. I think the ADA mandates it had to be done everyplace. They say they are going to do a study to find out how many people actually use it, which is probably a good idea. I do not think that will be part of ADA.

I think they are going to mandate the bus stops. These bus stops, you have read my testimony here. It was basically answered about the two hundred thousand dollars (\$200,000) that the cost was going to be and we are asking for one hundred sixty thousand dollars (\$160,000). So, that is federal, I guess, and twenty percent (20%) of that is going to be ours. What kind of stops are we talking about again? How do they vary so much? The one in Hanamā'ulu, I think, was twenty thousand dollars (\$20,000) or thirty thousand dollars (\$30,000). The one up in Princeville was one hundred fifty thousand dollars (\$150,000) or something. Why the big difference? The the stops I have seen that they are building, they have this mesh netting around it or something. That is not going to stop these people from getting wet. They are going to be in that area for crying out loud and it is not going to stop nothing from the rain and things. I have to wonder about this.

Part 2 which I am very concerned about. Why are we going to spend two hundred fifty thousand dollars (\$250,000) on plans for a west side multiuse path when we do not have the funds to complete the twenty-three (23) mile path from Anahola down to Nāwiliwili? I think Mel brought this up too. We do not have funds for paving our roads and this path. Why are we spending more money on plans for another path? The money is going to have to come from someplace, but do we not try and get the money first before we just go ahead and keep in spending more and more money on the planning. The safety of this path had been compromised in many places with driveways crossing it, roads crossing it, and vehicles driving and parking on it, all violating path rules. We are spending five million two hundred thousand dollars (\$5,200,000) a mile and more to build this path and yet no one steps forward to question why a ten (10) foot wide four (4) inch thick slab...

Council Chair Rapozo: Glenn.

Mr. Mickens: ...is costing that huge amount. Okay. Can I come back for my other three (3) minutes later?

Council Chair Rapozo: If you want to, yes.

Mr. Mickens: Thank you.

Mr. Bernabe: Hello. Matt Bernabe for the record. I would like to start by saying that I am handicap. I qualify for the paratransit. I am an amputee. I used to work with these people. A lot of them I know by name and even the ones that are non-verbal, autistic, and whatnot know me by face. I am very good friends with this community. The one thing that I will point out is that about five (5) years ago I used to work at Arc of Kaua'i, I believe, behind Kapa'a School. The one thing that I noticed is the current busses are only big enough to put two (2) wheelchairs at a time practically. There was a whole fleet just for that at the end of the day. It was like some buses only had one (1) person and I figured out that if the one (1) person lives away from everybody else, they got a special ride. I brought this up on public radio and started talking about this in the community as this is a problem. If this is how we are going to deal with the ADA problem, this is a money pit because it is costing way more money to take one (1) person to one (1) house than it would be if this person got on this person's plan to make it all ADA. I support the overall premise to get off the teat of the paratransit, which there are going to be some hard cases that you have to keep it. My question to these people is, how many times in the past have they applied for ADA grants and what was it used for? To support this paratransit? I mean, why are we now only now addressing this ADA issue in a holistic view in 2015. Yes, it is going to be expensive, yes we have to find the money, but do you know what? In the long-term getting them off the paratransit and onto a

regular bus system is the best way to go. The discrepancies on the cost between the bus stops, that is ridiculous. We should have one (1) patent in bus stop. They are all going to look that same. Local kids can paint them, colorize them, or whatever they want. That is another story. My question then lies, if we do this, how much reduction of the paratransit will occur? You cannot go and make this system and still have a fleet of paratransits. That is just not going to be feasible economically, realistically, and traffic wise. I mean, the roundabout at the elementary, you get into fights with those people when you pick up your kid from elementary school because you are blocking them, they are yelling at you, and there is a line of busses. A long time I have pointed this as a problem in terms of fiscal. Now, the State is not responsible for some of these sidewalks on the State highways? Who is responsible for the sidewalks when they build the roads? If the State puts a road through Kapa'a Town, they are not responsible for the sidewalks in front of Pono Market?

Council Chair Rapozo: I have to stop you, Matt, but you can come back after.

Mr. Bernabe: I will. At least I got my point out.

Council Chair Rapozo: Thank you. Anyone else wishing to speak for the first time?

Mr. Rosa: For the record, Joe Rosa. Again, there are questions about the bus stop depots. They have problems with the ADA. Why do they not go and see the ADA people and ask them what their standards are for a bus stop station and how to build it up as to what they want whether they want it three-fourths ($\frac{3}{4}$) of the thing and close with lights installed for safety factors and everything? Also, where are they going to put it? The State does not allow midblock crosswalks. So, how are the people going to get on the drop off and the pickup bus stops? You need two (2). You need one (1) on each end for the inbound traffic and the outbound traffic. You are not going to pick up inbound from point "A" and then you drop them about a mile away from point "B". It is supposed to be opposite of one another like it was in the olden days over here when I remember. When we were working with DOT when we paved, we had the (inaudible) paved until they started to make the additional lanes going towards Kapa'a. In fact, I could name more or less where they were because I worked paving those areas even though we did not have a bus system. Again, as I said, I hear Mr. Tabata sit here and say they have been looking to make those bus stations for the last six (6) years. What have they done to make it meet the ADA standards? Common sense. If you do not know what to do about it, go to the source. Go to the ADA and say, "Hey, what is the typical section for a bus stop station that you want for your constituents, the ADA people, and the handicap?" Simple as that. It is not that hard. They just want somebody to do it or light a fire under their butt so they move a little faster. I do not know. I will mention it again, JoAnn, we still need two (2) bus stops at every bus stop station, one (1) for the inbound and one (1) for the outbound. You are not going to pick up in front of Wilcox Memorial Hospital and drop them down Kapaia. Those are the things. Also, remember, you had to get crosswalks opposite of one another to get across from point "A" to point "B." Those are the kinds of things. Again, do not jump the gun. Do the research first. I did planning. I worked with the Highway Division and then they wanted something, we would all work together. I had to be called in at times and we got paid overtime. Those are the things. Get things settled and do the things right from the start.

Council Chair Rapozo: Mr. Rosa, that is red light.

Mr. Rosa:

Okay.

Council Chair Rapozo:

Thank you. You can come back if you want.

Mr. Rosa:
things are jumping the gun.

Yes, alright. Thank you. As I said, a lot of

Mr. Mickens: Glenn Mickens again. Thank you, Mel. Anyway, why has nobody been concerned enough to find out why we are spending this obscene amount of money per mile for a ten (10) foot wide four (4) inch slab of cement? Mel, you remember when this thing started ten (10) years ago. They were tiling that big culvert down there by Keālia, I believe, it was. You asked that question at that time. Why are we spending that kind of money for extravagant tile in that thing? I never did hear an answer for it. Again, more waste. I am not saying that I am against the bike path or multiuse path. It is not a bike path. Bikers do not even use the thing. Two (2) bikers do not use that path. It is ridiculous to spend this kind of money on something and we do not have the funds. We cannot pave our roads. We do not have the money to finish this thing. In ten (10) years, what have we built? Six (6) or eight (8) miles of this path? It is supposed to be twenty-three (23) miles going down to Nāwiliwili. At five million two hundred thousand dollars (\$5,200,000) a mile, that is going to cost what? Well, over one hundred million dollars (\$100,000,000) and with cost overrides and everything, it would be far above that. We do not have the money. So, now we are going to spend more money on plans to go here to the west side to check out building another multiuse path. For what? It is great if we had the money. If money is not an object, we can build anything we want and that people wanted. Again, I just want to say, until we get the funds, do not keep "ready, fire, aiming" at everything. Until the funds are there, make the plans. The consultants and the these people that are in charge of doing these things, making the plans, consultations, and things, these people are going to get paid for it. We have to do something about using a little common sense, that is all, before we just keep on moving forward, spending huge amounts of money on things that we know in the back end we do not have the money to go ahead and build it. Thank you, Mel.

Mr. Bernabe: For the record, Matt Bernabe. As far as the second part of this agenda, I love the east side bike path. My only complaint is it is concrete. I have a fake leg. It is sore. Asphalt is better. Other than that, it is used by a lot of people. It actually sprung businesses. There are businesses that benefit from that bike path. This would be a great infrastructure for the west side, but I would have to agree. If the money is not there, then what are you going to do? I would also like to point out that just in their own process that if this amount of money takes for only one (1) phase, this should be able to plan two (2) phases to me. If you are going to put out the blueprints and all of that or the area, do it one (1) time. I think they should have come here with a better plan for that. In the long run, I would like to see it and I am from Kapa'a. I would go and walk that bike path or trail, whatever you folks call it. Put some of it as asphalt though. It is easy on the feet. Concrete is a killer.

Council Chair Rapozo:

Thank you.

Mr. Rosa: For the record, Joe Rosa. Like I was saying, think about the ADA like Ross Kagawa on the 'Ele'ele Elementary School path. I do not think you can go with any ADA qualifications because it is a zigzag trail up in the hillside between rocks and boulders coming down and it is a steep grade. To meet the grade on the zigzag trail with a wheelchair, I would hate to be on the wheelchair. Also, the Līhu'e area bike path coming from Kapa'a. I do not know how they are going

to get from Ahukini Road to Nanini Point. That is a Federal Aviation Administration (FAA) airport company which is high security. That is why the airport division has its fence up. So, I do not know how they are going to deal with it and where they are going. Also like the previous speaker said, Glenn and I walk the bike path from Lihi Park to going toward Keālia behind Otsukas. Man, I do not know where the outdoor circle is. All the signs along those paths are in the back now. Nobody says anything about it, but I looked at it and I told Glenn, "Gee, where is the (inaudible) circle?" Nobody said anything about the eating places with the big signs in the back there. What is good for the goose is good for the gander. Nothing has been done. It is another thing that some people wanted, but some people do not. As a whole as I said, it is not being properly used. I do not see the cyclists. Glenn and I walked. We did not see the cyclists. There were mostly tourists that were walking on there, but they were not the locals. There were two (2) girls that we saw riding their bicycles, but they are renting an apartment right near the bike path. So, they use it in the morning they said. That is all. Where are all of the cyclists? I would like to ask Doug Haigh that because he was a proponent for the bike path. He said it would take all of the cyclists out of Kapa'a Town, which I have never seen and I do not even see it on the bike path. Thank you.

Council Chair Rapozo: Thank you. Anyone else?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: The motion on the floor is to refer it to the Budget & Finance Committee.

Councilmember Yukimura moved to approve C 2015-108, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. Much has been said about the need for ADA improvements for the bus stops and I guess the method and the timing of coming forth with these requests as well as the need for bike paths whether it has been vetted in the community as to whether we really want concrete paths and whether we want to spend that kind of moneys to have those paths. I grew up on the west side. I went to 'Ele'ele Elementary School. I made that walk many times to get to Hanapēpē Park to go to practice and what have you. I was not fortunate enough to have a parent be able to pick me up. I used to walk a lot and bike a lot. We never had those totally connected concrete paths to get to our destinations. Times have changes. That was in the 1970s. One could say that it is a bit of positive progress to come up forty (40) years later and say, "Well, maybe it is time for it." I think for me what makes my decision easy is that we are getting the eighty percent/twenty percent (80%/20%) match on the planning stage that we will get some of the feedback from the community and get a firm plan as to what we are going to be doing. I am hopeful that at the end of the day, the State will see fit to take responsibility for the project since it is going to be their right-of-way. They can oversee the project. I think much has been said about the need for County improvements on County roads and on County connectors to get to bus stops. I think we have enough on our plate. It we can get the State to take control of the paths along the State highway, I think it would be much better. We see as they did this improvement here right down entering Līhu'e, you can see the beautiful job they did. I am sure they spent a lot of money with those paths.

Now going back to the Wailua path, the Wailua path fronting Coco Palms is that to me, what I think is an improvement to the island? I do not think so. I would rather see the beach and the ocean. To see that wall, although it is a nice wall, to me, it takes away from the beauty that I would like to see. Such is the case. It is done. It was not my decision. It is done. As far as this decision, especially the part that I like is that we are looking into the connection from Kekaha to Waimea. I think as we try to be more efficient with focusing our parks, I think Waimea had that open area where in time I think it may not be in ten (10) years, but in time we will see a bigger park facility at the Waimea site that will expand and serve Kekaha more than now. I think that path will allow children and students to get to practice and what have you without having their parent have to take off, pick them up, and drop them off. I think this path will allow for a safer commute either by bike or by foot to practice and what have you. You have seen our good friend Danny Smith who was injured riding his bike along Kekaha Road and at the end of the day, being the selfless person that he is, he told me, "If there is a chance for you to make it safer for bikers on the west side, please support it." I gave him my word that I would do whatever I could. This is my first vote in favor of making safer bike paths and walking paths for the Kekaha-Waimea community. So, I will be supporting it. Thank you, Chair.

Council Chair Rapozo: Thank you. Go ahead.

Councilmember Yukimura: Councilmember Chair, I think we have a procedural thing where we have to withdraw the motion.

Council Chair Rapozo: Yes, we will do that.

Councilmember Yukimura: I was in error by moving to approve without disposing of the motion to refer.

Council Chair Rapozo: Yes, we will deal with that after the comments. Go ahead.

Councilmember Yukimura: After the comments?

Council Chair Rapozo: Right. It is an invalid motion. The motion on the floor is still a motion to refer and we will do the formality of the referral...

Councilmember Yukimura: But I do not think we can have a discussion on a motion that is invalid.

Council Chair Rapozo: It is invalid. The motion on the floor is a motion to refer it to the Budget & Finance Committee. That is a valid motion. Proceed with your comments.

Councilmember Yukimura: Well, I would like to ask the maker of the motion to withdraw the motion to refer since time is of the essence.

Council Chair Rapozo: And you are wasting it. We can continue. Go ahead, withdraw your motion.

Councilmember Kualii withdrew the motion to refer C 2015-108 to the April 1, 2015 Budget & Finance Committee Meeting. Councilmember Kagawa withdrew his second.

Council Chair Rapozo: Councilmember Kaneshiro, did you have some discussion?

Councilmember Yukimura: Thank you.

Councilmember Yukimura moved to approve C 2015-108, seconded by Councilmember Kualii.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Councilmember Kaneshiro. I am asking. I do not know if you had your hand up or not. Anyone else want to discuss this before we take the vote?

Councilmember Kaneshiro: Oh, yes, I have a discussion before we take the vote.

Council Chair Rapozo: Go ahead.

Councilmember Kaneshiro: For me, I see the need to have a plan in place and I see the need to be ready for additional funds as it comes in. I am hesitant because of the short timeframe. I would have loved to have it in the Budget & Finance Committee where people can testify, west side people can come up and say they really want this plan, ADA people can say that they are having a difficult time getting to the transit, but I realize the short time constraint. For me, I am willing to trust you folks and put the faith in approving this plan because we need it available for money to come in the future. I am fearful of what the future expense are and hopefully this plan is just a baseline in order for you to be able to find other funds where it will not have to cost us, the County, money. Hopefully this plan will not set a precedent that says now we have to do all of these things and we are trying to hustle and look for money. I do see that value in having it available and ready. If State funds are available and federal funds for ADA. I am willing to support it now, but in the future, please come a little earlier because I would really like to hear more discussion regarding if this is really what the community wants or if it is what the community needs.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: I am also supporting approval of this. I wanted to commend the Administration actually. I mean, I would like to have it here earlier also, but I recognize and believe it to be true. They found an opportunity, they jumped on it, and they got it here as soon as they could. I think they should be commended for doing that. This is an opportunity to spend in vast if you would, forty thousand dollars (\$40,000) in County funds and get back one hundred sixty thousand dollars (\$160,000) of State funds for bus stop ADA improvements. Again, the County would invest fifty thousand dollars (\$50,000) and get back two hundred thousand dollars (\$200,000) in additional. I think it is a wise use of the money. I think both of these projects are ones that we need. I will talk especially about the west side path. My wife and I use the east side path a lot. We see a lot of bicyclists, we see a lot of families out there using baby carriages, and we do see a lot of tourists out there also. I think people of the west side have expressed the desire to have a path. This is one way to keep the momentum going in that direction. These are improvements that will be there for generations. I mean, long after I am gone that path is still going to be there. All of us. I think this is investing in our community. It is good for

transportation, it is good for your health, it is good for recreation, it is good for business, and I think we should continue moving it forward. Thank you.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Chair. I will be supporting this request as well. For me, it is about being able to provide safety to the community which I think is much needed. I think the questions that have been posed are valid. What is it going to cost in the long run? Where are we going to get the money from? Those are questions that my request would be that they get answered through this process. I also understand some of the limitations. I know that grants sometimes come upon us really quickly and then turnaround is very quick as well. So, from a grant writing perspective, I am a little sympathetic. I understand it. I think what might be helpful as we move into budget and we start to replan ahead of time, is that we have these discussions there about the interest, at least, so that the Council can also be prepared when we do see you folks coming forward about the direction that you are headed. Ultimately, I think the opportunity is a good opportunity. I think it provide some forward looking, some forward thinking, and forward planning. I will be supporting it. Thank you.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: Thank you. I agree with Councilmember Kaneshiro that it would have been good to have some community input. I do want to assure him that there is community support for it. I think about three (3) years ago I met with Mr. Bulatao, Tommy Noyes, and some other citizens, at the senior housing in Kekaha to discuss the possibility of a Waimea-Kekaha path. There was a lot of excitement. From that, I believe created this committee that Mr. Ibara was the head of and together they did this West Side Path Alternative study. Whenever I talk about it to people on the west side, they are very excited with the thought that their kids could bike safely between Waimea and Kekaha. I did not realize there was work being done on the path to Salt Pond Beach Park from Hanapēpē Town, but that is a really exciting thought too. I think it will help the commerce in the town to have that connection and to have a safe way for people to walk or bike is a wonderful thing.

Councilmember Kagawa talks about walking that path when he was a kid up the school and back to the town. My mother was born in 1924 and was at 'Ele'ele Elementary School in second grade. She remembers walking from Hanapēpē Valley up a big black water pipe to the school. Walking was the way people got around. To make that mode of mobility viable again in the old towns that are in this modern age, is a wonderful thought. I think doing this kind of planning is common sense, it is going our homework first, and it will enable us to be shovel ready when the opportunities of money comes forth. I too, commend the Administration for being proactive and working on these projects which will really benefit the people of the west side.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: I too, want to thank you all for your work. It does appear that this is something valuable for the community. I would just say that grant deadlines aside, it is your responsibility to get this to us sooner. I have been a part of many community organizations that have done grants. Sometimes you miss it because you do not have enough time to put the whole package together. I just have to think that a week versus two (2) weeks is not that much difference. It is just not right that you are coming to us today for something that is due on March 31st. So,

we want something to be different next time. I do. The only other thing I would say then is then in your initial proposal, the very first sentence tell us that you are sorry that you are getting to us so late, that this a special circumstance, and we need your special consideration to rush this because then that would have highlighted to me to make this the top priority as far as the questions and everything. Now we have done what we have done, but maybe there are things we are missing and it could have been done had we been notified appropriately. It is not a lot of money getting started, but it is opening the potential for a lot of money to be spent going forward. We do have tough decisions to make with the budget. Sometimes it might be better to not start something if it is not really a priority. The thing that Councilmember Kaneshiro is talking about with the community as well, of course there is support. There is always support for world peace. I mean, there is general support. When it comes down to the tough decisions of if we only have this amount of money and we have to do this versus this, then we want to hear what the community is saying specifically to help us make those tough choices. Going forward, please do better in making these grant deadlines. If you have to, sometimes you have to, you miss deadlines and you come back again. There will be plenty other grant opportunities. Thank you.

Council Chair Rapozo: Thank you. Well, I am just going to say I am not going to support this. We have been down this road many times. Councilmember Kualii brought up some points, but until we as the Council, the oversight committee, the checks and the balance, the ones that said during the campaign "We have to cut," "We have to make tough decisions," "We have to start taking priorities." We all said that and today we are sitting here and we are saying, "Well, we do not know what you are going to do with it or how much it is going to cost. We want to do a bike path on the west side like we did on the Wailua side, but we really do not know how much it is going to cost. We do not have a timetable. We do not have anything. But we have available money that we want to spend." Yes, there is community support. There is community support for an Olympic size swimming pool. There is community support for a five thousand (5,000) seat gym which is in the Parks plan for decades, but it is not a priority. It bothers me when Councilmembers say, "It is about safety, elderly, and *keiki*" making it seem like if I do not support it, I do not support them. No. Our job here is to be fiscally responsible. Our job here to make sure we have enough money at the end of the day to pay our bills so we do not have to raise taxes like we are trying to do today. That is our job. Our job is not just to rubber stamp, sugar coat everything, and say, "It is all groovy." It is going to make it wonderful. Of course this would be a great project. Can we afford it? The answer is no. Not now. That is the answer. If money was not the object as Mr. Mickens said, yes, it would be 7:0. Money is an object. We are here wondering how we are going to pay our bills, but yet we just, yes, sure take it. It is a small amount of money, as Councilmember Kualii said. But we have a lot of small amounts of moneys being requested throughout the year and it adds up. Then we come to the point where our back is against the wall. Number one, this should have never made the agenda. I wish I had read it better because we do not have the opportunity to vet it in a Committee, sorry, do not submit it. Do not submit it. Do not come here and tell us, "Oh, no it is time sensitive. We need your approval today" because you are not going to get my approval, number one, because my questions have not answered. This is a State project. We are going not get a right-of-way. Should the State not be cost sharing this? If the State supports it, should they not put their money where their mouth is and say, "Hey, do you know what? Let us go together. Let us go do the studies jointly. You put up half, we put up half." No. We got a conversation that said, "Of course we support it and we would be happy if you folks took the lead." What did you expect the State to say? They are broke too. No, the County, you folks go ahead. You folks go ahead. Some of the newer members, I respect their positions because it seems like the right thing to do. But you commit to this, you are

committing to the future project. You are committing to the future. Realistically, do you think we are going to be able to get a bike path built before the plan that we are going to pay for becomes obsolete? Before the State has their highway widening plans, their programs for the State highways, and we are going to do a plan in 2015. Who knows how long that is going to be valid for? I mean, it is small money relatively speaking, but we have to practice fiscal responsibility. We have to send a message to the Administration that says we are not just going to do this anymore because we are tired of having to raise taxes and raise fees because we overspend every year. With that...

Councilmember Yukimura: Mr. Chair.

Council Chair Rapozo: Yes?

Councilmember Yukimura: I would like to say something else.

Council Chair Rapozo: How much time does the Councilmember have?

Mr. Sato: Two and half (2½) more minutes.

Council Chair Rapozo: Okay.

Councilmember Hooser: She was the maker of the motion.

Council Chair Rapozo: I am sorry.

Councilmember Hooser: I said she was the maker of the motion. I just wanted to make sure they knew that.

Council Chair Rapozo: Okay.

Councilmember Yukimura: I can do it in two and half (2½). First of all, we do not know how much it is going to cost because we have not done the work that is being proposed today. The work will enable us to know how much it is going to cost. To those who are newer, do not worry about committing to this because you will be thanked profusely when people start using the path that is built. They will be so grateful that you facilitated and help them make the quality of life better on the west side.

Council Chair Rapozo: Thank you. Councilmember Kuali'i.

Councilmember Kuali'i: I have sort of a procedural question. Because this was one (1) communication but it is two (2) separate grant applications or is it one (1) grant application?

Council Chair Rapozo: It is one (1). It is two (2) grants.

Councilmember Kuali'i: Are both the grants time sensitive with a March 31st deadline? Okay. That is all. We got a "yes" from the back. So, there is no reason to separate it.

Council Chair Rapozo: With that, anymore discussion? Although I do agree that we do not know how much it will cost, you cannot tell me that all of the hundreds of thousands of dollars we pay for engineers and people within our County,

we cannot come up with a ballpark figure. I am sorry, JoAnn. I am sorry. We do not need to pay two hundred thousand dollars (\$200,000) to find out how much a bike path is going to cost when we already did one. Roll call.

Mr. Sato: Roll call on the motion to approve.
Councilmember Chock...

Councilmember Yukimura: I would like to say something.

Council Chair Rapozo: Roll call. You already spoke twice. Roll call.

Councilmember Yukimura: But I would like to be able to respond to what you said. I think that is part of the debate.

Council Chair Rapozo: I am sorry. It is over. Roll call.

Mr. Sato: Roll call. Councilmember Chock.

Councilmember Yukimura: That is why you are closing debate and cutting off debate. That is not appropriate.

Council Chair Rapozo: Recess.

There being no objections, the Council recessed at 11:38 a.m.

The meeting was called back to order at 11:48 a.m., and proceeded as follows:

Council Chair Rapozo: Roll call please.

The motion to approve C 2015-108 was then put, and carried by the following vote:

FOR APPROVAL:	Chock, Hooser, Kagawa, Kaneshiro, Yukimura	TOTAL – 5,
AGAINST APPROVAL:	Kuali'i, Rapozo	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Five (5) ayes.

Council Chair Rapozo: Motion carried. Next item, please.

Mr. Sato: Next item, we are on (G) Committee Reports.

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2015-04) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

“COW 2015-01 Communication (02/02/2015) from Councilmember Hooser, requesting the presence of the District Engineer, State Department of Transportation (DOT) – Kaua'i District, to provide an update on the DOT's pending highway projects. This briefing shall include the four-lane widening

project on Kūhiō Highway 56 in Kapa‘a and other highway mitigation plans for the Kapa‘a / Wailua corridor, including the four-lane expansion in the area fronting Coco Palms,”

A report (No. CR-COW 2015-05) submitted by the Committee of the Whole, recommending that the following be Approved on second and final reading:

“Bill No. 2579 A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR,”

Councilmember Kagawa moved for approval of CR-COW 2015-04 and CR-COW 2015-05, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Anyone in the audience wishing to testify?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of CR-COW 2015-04 and CR-COW 2015-05 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

Mr. Sato: Next item, we are on page 7, (H) Resolutions.

RESOLUTIONS:

Resolution No. 2015-26 – RESOLUTION ESTABLISHING THE REAL PROPERTY TAX RATES FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 FOR THE COUNTY OF KAUAI: Councilmember Kagawa moved to schedule a public hearing on May 13, 2015 at 5:00 p.m., and that it thereafter be referred to the Budget & Finance Committee, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

Mr. Sato: We have one (1) registered speaker, Gary Pierce.

Council Chair Rapozo: Please, Mr. Pierce.

There being no objections, the rules were suspended to take public testimony.

GARY PIERCE: I also brought in a handout. I think most of you have it. Is there any way it can posted or put on the television? Again, this is for Resolution No. 2015-26. It divides up the home property tax rate into nine (9) different tax categories. The Council removed the cap for fairness and social justice and I am going to testify. How is it fair when a house that is used for a vacation rental pays less than a hotel while providing the same service? One of the stated goals from our Council is to provide low-cost housing. Then how are you reducing

cost by charging more for a commercial residential tax? This is for a home that rents a room or part of their garage out. They should be given a subsidy. There are many inequities. The main problem now is the cap is removed and taxes are going to continue to rise to pay off the increasing debt. That is the main reason the cap was removed and it is also stated by the Mayor. Basically, what I have done here is this is the Hawai'i State debt clock. This is what we owe. Currently, the revenues for the State and local is twelve billion dollars (\$12,000,000,000); however, we are spending fifteen billion dollars (\$15,000,000,000). What I would like, if possible, is have our County make a little debt clock so it makes it easier. When I go through the budget, it is very hard for me to determine how much we are actually taking in and how much we are actually spending. I think our County should have a debt clock so we can actually see what is occurring. That is one of my requests. That would be very pertinent for what is going on right now. That is all I had to say. I would just like to know.

Council Chair Rapozo: Thank you.

Mr. Pierce: Thank you.

Council Chair Rapozo: You may want to come to next week's Committee Meeting because what Councilmember Kualii requested to be referred to the Committee is our financials, revenues, and expenditures every month. So, this was up to the end of the year. Anyway, I think you will be able to see it.

Mr. Pierce: I understand. One of the things is that because of this budget, it affects everything. It affects the environment and it affects gross. This is a beast that has to be fed. You know that.

Council Chair Rapozo: Yes. Thank you. Anyone else wishing to testify? If not, meeting called back to order. Any further discussion? Oh, please. This is on the tax rates. Just for the public's information, the purposed tax rates are steady. It has not gone up or down since the last budget.

Mr. Bernabe: Matt Bernabe. Mine will be simple. Since this is about tax rates, this is about fallow farm land and agricultural lots either individuals or big agriculture corporations that have agriculture land being taxed at an agricultural rate that they are not actively using or engaged in agriculture. Is there any talk about this or are we too scared of these people to change the rate on the non-use lands? I think we should change the rate that they are taxed so that they are either paying us more money for the non-used land or we force them to engage in agriculture. I think this is an area that we could get money that could solve a lot of our problems. That is my sole point on this.

Council Chair Rapozo: Thank you. Anybody else?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion? Councilmember Hooser.

Councilmember Hooser: Yes, Chair. I will save my extended remarks and comments for later. I know it is a long process to go through. For the public's benefit, I wanted to point out that while it appears taxes are not going up because the rates are not going up and in all likelihood the majority of taxpayers will pay a higher tax bill because of increased assessments. I think it behooves us to be straight

forward with the community as we go through this process and look toward adjusting those rates downwards especially for Homestead classifications and others possibly. The second thing I would like to point out is even though technically the rates do not change, they actually do for some property owners. A person who last year was paying a Residential rate in some cases are now paying a Residential Investor rate. That is a new rate and a new classification. So, the actual rate for that homeowner will in fact, increase. Again, just to be totally transparent about this. I have to say I agree with the previous speaker that we should look at agriculture. It was previously referred to as Agronomics rate. Just like we added the Residential Investor rate as a classification, that other rate would maximize revenue from operations that can well afford to pay it. Thank you.

Council Chair Rapozo:
Kagawa.

Thank you. Anybody else? Councilmember

Councilmember Kagawa: Yes. When we go back in history you will see that myself and you, Mr. Chair, we opposed removing the Permanent Home Use (PHU) cap. It is all related because as we move to *ad valorem* the tax rates really impact those properties that are affected by a lot of sales and whatnot in the area whether you lived there ten (10) years or fifty (50) years. Some of the jumps are just mindboggling. If you have that three dollars and five cents (\$3.05) rate for Homestead class, it is a bargain rate. Your taxes are relatively small compared to any other class because every other class is double or more. It is where we talk about tax reform and the need for tax reform. I think it is hard for us to comment on the tax rates or where they stand. We are not sure how this *ad valorem* system with exemptions is working right now. An exemption for one hundred thousand dollars (\$100,000) for a property in Hanapēpē compared to an exemption of a property in the north shore or Līhu'e is apples and oranges because the assessments in the north shore and the assessments in Līhu'e are much greater. Then, it comes down to what is fair? Is the person on the west side getting less services from the County than the person on the east side or the north shore? If a north shore person lives on the north shore, does he get double the services of another resident who may live on the west side? So, it all comes down to what is fair? We have to nail it down at some point. I do not know whether it is going to be this year, next year, or what have you. But we have to nail down what is fair. Fair is in the eyes of the beholder. If you have a three dollars (\$3) tax rate, you pretty feel like it is fair. If you are in that six dollars (\$6) where you have an additional home maybe inherited by you, it does not mean that you are cash rich. Does that force you to sell just because you cannot afford to buy the taxes? How do we keep our homes affordable and our market affordable for our children? Right now, how do we keep the prices down? I think if the property taxes are driving more sales, then we are not accomplishing where we want to be. My call is for tax reform even if it is to validate that our tax system is the best we can do. That is all I am looking for. I am not looking for perfection. I am looking for the best that we can do whether it validates that what we are doing now is the best way to go. Terrific. If it is not, then let us change and let us make it fairer because our job is to try and be the referee and try and make everything as fair as we can. We know what the Administration wants, we know what the Administration wants to spend, and we also hear what the public wants. All they are asking for is fairness. Nobody is asking I do not want to have taxes because I do not think (inaudible). I have never heard one (1) complaint like that. But I have heard complaints from those who do complain saying that they think they are paying too much. At the end of the day, I think when we get a system that we say is fair all across the board, I think we can answer them if we have that tax reform, if we have the study, and if we have the work done by the Councilmembers, we can say, "Okay, I hear your complaints, but this is the best we can do." I am not ready to answer that to the public right now, that this is the best

we can do. I just urge that we continue to look at tax reform in some shape or form. Thank you, Chair.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Hooser.

Councilmember Hooser: Yes. I want to agree with Councilmember Kagawa that we certainly do need tax reform. I would have hoped and would hope we can still do it in the future. We freeze, immediately, owner occupied properties at the rates they were doing before. The same proposals that I had offered before and then we figure it out. We are just moving forward as it is. No one is offering any proposals for tax reform, no one, and yet we are going to keep stumbling through this. The proposal we are voting on today ensures that almost every single property owner in the County will have a tax increase, is my understanding. So, how do we stop that? We need to stop things, at least protect our owner occupied properties, and then perhaps the Budget & Finance Committee or perhaps somebody else could offer an opportunity for reform. As it stands now, every owner north, south, east, and west with some exceptions, the vast majority are going to have tax increases. Again, I encourage this Council to consider freezing taxes on owner occupied properties and the body institute a tax reform effort led by the appropriate Committee. Thank you.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: To say that every owner is getting a tax increase may be true. I am not sure. To the extent that people took advantage of some of the property tax mitigation measures and programs, I think some will actually have lower taxes. Also, a little increase is much better over time than major increases all at once. We have seen that with vehicle weight taxes which we did not raise for ten (10) years or more and then we have to catch up and impose a much higher amount than if we had done it incrementally. I know that the Transportation Agency is trying to think about their users and that is why they have arranged it so bus passes and bus fees go up gradually over time because people are able to adjust much more easily than if you wait for ten (10) years and then raise it to what is needed to pay for the system. I think as we all know, the real property tax system is quite complex. Where it increases substantially, but people pay and it is reflected in the value of their properties, some of whom have those properties for sale, prices at which they were assessed. That is also part of it. I do not think we should cap those. Where the taxes are so high that people are forced out of their home or it is really difficult for them to pay, that is where we have to address because that is not purpose or the intention of real property taxes. I think the system that Steve Hunt, the Finance Department, and us too because it has been a co-creative process. The system that has evolved has been part of our effort to address and make sure that people are not forced out of their homes and that taxes are not onerous and difficult to pay. I am more than willing to work on further refinements and problems that we need to address in the system. If that is what tax reform means, I am all for it. I am grateful that we are not having to increase rates this year.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Kualii.

Councilmember Kualii: Yes. I just wanted to say that I thought that Mr. Bernabe's comments about changing tax rates for agricultural lands that are not in use was an interesting one. It is a very complicated matter. It might be something that Real Property should be looking at more closely, but you would have to distinguish between folks who are buying big chunks of land and then just sitting on

it and banking it for year after year and paying low taxes versus farmers and real agricultural operations that is growing something. Often just because the field may look like it is not in use, it could still be in crop rotation, soil restoration, doing nitrogen fixing, and things like that. I mean, it is a complicated matter, but I think it is something worth looking at more closely and it might be a way to even provide deeper credits or future incentives to actual growing of crops whether it be food or fuel or what have you. It is something to definitely look at and I will see what I can find out too.

Council Chair Rapozo: Thank you.

Councilmember Kualii: Thank you.

Council Chair Rapozo: Anyone else? Councilmember Chock.

Councilmember Chock: Thank you, Chair. Overall, I am supportive of what is submitted here and not changing any of the rates. I think that I would agree with some of my colleagues, one with the agricultural discussion that was made earlier. Also, in terms of potential tax reform tax force to look at how well we are doing, I think, is needed and I am supportive of that. I am hopeful that we will see that very soon. I am looking forward to kind of diving into this. I know this is going to be the meat of our discussion moving forward and working with the rest of the Councilmembers to see if there are any other interests that we can support. Thank you.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I know we are going to have a lot of discussion on this. I know this probably is not the right time for it, but we are always looking at ways to better our tax system. It is a hard thing to say what is fair because what is fair to one (1) person may not be fair to another person. I have a difference of opinion as far as freezing homeowner tax rates. Who picks up the slack? Hotel or resort? It goes somewhere else. So, is that fair to them? I do not know. There is going to be a lot of discussion on this and I look forward to it. It is interesting. I think everybody will learn that tax reform is easy and it is not easy to be fair because fair can be seen in many different ways. What is fair to one (1) person may not be fair to another. I am really looking forward to this budget coming up and it will be interesting. It is my first budget.

Council Chair Rapozo: It will. Anyone else? If not, again, we are not approving this today. We are just sending it off to the public hearing. So, there is no approval today. That will come later. As far as tax reform, I have started the discussion with Steve Hunt and we are basically in agreement that we should be looking somewhere the taxes are based on the sale price of the properties. That provides stability. I mean, people want fairness and they want equity, but they want stability. Mr. Hooser was right that these tax rights do not change, but assessments go up, your tax bill increase. That is not stable. Like I said at a prior meeting, if the Administration is not going to start, then we will. The Council will. The Budget & Finance Committee can take a look at some ways and at the end of the day, it is the Council's call as far as what we charge for property taxes. Basally, you base your assessment on sale price, you had a Consumer Price Index (CPI) that is stable, and then you determine what exemptions or deductions or whatever that you want to proceed with. As far as the actual assessment on your tax bill, it is based on sale price. Obviously, there is going to have to be a baseline because some people will show documents that they bought their home for one dollar (\$1). When land transfers

between generations your deed will show for love and one dollars (\$1). So, there is going to have to be a method to determine what that assessment is and that is going to be the baseline. That is where it will start everything. From there, it is CPI every year. The house sells, it resets. To me, that provides stability not just for the consumer, the taxpayer, but for the County as well as they prepare budgets going forward. That is kind of the track that we are on right now. Councilmember Hooser said no one has made any proposals. That is true. I have not made the proposal yet. We are still working what property tax. In my mind, I believe that is probably the fairest way right now. Again, it provides stability so hopefully we will go with something similar to that process. Anyway, with that, roll call.

The motion to schedule a public hearing on May 13, 2015 at 5:00 p.m., and that it thereafter be referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR MOTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2015-27 – RESOLUTION AUTHORIZING THE FILING OF THE KAUA'I COUNTY 2015 ACTION PLAN (HOME INVESTMENT PARTNERSHIPS PROGRAM) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE II OF THE CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT (PUBLIC LAW 101-625), AS AMENDED: Councilmember Kagawa moved to defer Resolution No. 2015-27, seconded by Councilmember Chock.

Council Chair Rapozo: Okay.

Councilmember Yukimura: Excuse me.

Council Chair Rapozo: Did we have any discussion on this item? Did you want to have some discussion?

Councilmember Yukimura: Yes.

Council Chair Rapozo: Okay.

Councilmember Kagawa withdrew the motion to defer Resolution No. 2015-27. Councilmember Chock withdrew his second.

Council Chair Rapozo: Thank you.

Councilmember Yukimura: Thank you. Housing is holding a public hearing which is why we are waiting for that to finish and then we are going to act on it, right?

Council Chair Rapozo: When is the Housing public hearing? Public hearing on April 7th. Where? Do we know? At the Planning Commission? April 7th

will be the public hearing for the HOME Investment Partnership money. If you folks are interested, call our office or stop by. We will get you the location, but it is April 7th. We do not have that available right now.

Councilmember Yukimura: Okay. The reason I am asking, and I apologize for not knowing. I should know. At the Rice Camp dedication it was announced that some of the HOME moneys, the subject, is going to be involved with our application for the second increment of Rice Camp. April 1st or something was when the application deadline was. I am just wanting to make sure that if we could act on it, we do not have to act on it today.

Council Chair Rapozo: Okay.

Councilmember Yukimura: And we may not be able to act on it until there is a public hearing. So, that may settle it too. Do we have information?

Council Chair Rapozo: Yes. Thank you. It is 4:30 p.m. April 7th at the Pi'ikoi Conference Room B at the Lihue Civic Center. We will act on the Resolution subsequent to the public hearing.

Councilmember Yukimura: I am just going to check at lunchtime in case we need to reconsider. Go ahead. I am okay to vote.

Council Chair Rapozo: Any other discussion or any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa moved to defer Resolution No. 2015-27, seconded by Councilmember Kualii, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item.

Resolution No. 2015-28 – RESOLUTION AUTHORIZING THE FILING OF THE KAUAI COUNTY 2015 ACTION PLAN (COMMUNITY DEVELOPMENT BLOCK GRANT) WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT UNDER TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AND 1987 (PUBLIC LAWS 93-383 AND 100-242), AS AMENDED

Council Chair Rapozo: Anybody wishing to testify on this matter?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Again, for the same reasons as stated April 7th 4:30 p.m., Pi'ikoi Conference Room, they will have a public hearing.

Councilmember Kualii moved to defer Resolution No. 2015-28, seconded by Councilmember Kagawa, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

Resolution No. 2015-29 – RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE KAUAI HISTORIC PRESERVATION REVIEW COMMISSION (*Charlotte L. Ho’omanawanui – At-Large*): Councilmember Kualii moved for adoption of Resolution No. 2015-29, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call, please.

The motion adoption of Resolution No. 2015-29 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2015-30 – RESOLUTION APPOINTING A REPRESENTATIVE AND ALTERNATE TO THE EXECUTIVE COMMITTEE OF THE HAWAII STATE ASSOCIATION OF COUNTIES AND NOMINATING A REPRESENTATIVE TO SERVE AS A BOARD OF DIRECTOR FOR THE NATIONAL ASSOCIATION OF COUNTIES: Councilmember Kualii moved for adoption of Resolution No. 2015-30, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes. I just want us to all know that there was some question about Sunshine Law posting of this provision. I talked to Office of Information Practices (OIP) yesterday, their day attorney or whatever. She said it would have been better if we had actually named the people who are named in the Resolution so that people would have known from the...sorry. No, they are supposed to be in posting as well is what she said. She said there would not be an issue as long as there is no complaints, but for future reference.

Council Chair Rapozo: Would that mean we would have to list every project on the CDBG agendas item as well?

Councilmember Yukimura: I do not...

Council Chair Rapozo: Would that mean we would have to list every project on the...

Councilmember Yukimura: I do not know.

Council Chair Rapozo: I mean, I think that is a really unrealistic ruling from OIP and I will check with them.

Councilmember Yukimura: Okay. Very good.

Council Chair Rapozo: That makes absolutely no sense whatsoever. With that, anyone feel free to file a complaint. Any other discussion? If not, roll call.

The motion adoption of Resolution No. 2015-30 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2015-31 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE COST CONTROL COMMISSION (*Tricia-Lynn K. Yamashita*): Councilmember Kuali'i moved for adoption of Resolution No. 2015-31, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion adoption of Resolution No. 2015-31 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2015-32 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE FIRE COMMISSION (*Mari L. Yokoi*): Councilmember Kuali'i moved to defer Resolution No. 2015-32 pending interview, seconded by Councilmember Yukimura.

Council Chair Rapozo: Anyone? No.

The motion to defer Resolution No. 2015-32 pending interview was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item.

Resolution No. 2015-33 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION (*Kimo M. Keawe – Environmental*): Councilmember Kagawa moved for adoption of Resolution No. 2015-33, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Councilmember Hooser.

Councilmember Hooser: I just had a question before my discussion. Given that in the next item Mr. Contrades has been withdrawn, I am wondering about the option of deferring this matter and asking the Administration to consider moving Mr. Keawe to the Labor position. I am sure he has years of experience working with employees and qualifies for that position as much as he qualifies for the Environmental position and that will open up the Environmental position for a person perhaps with stronger environmental credentials. That is just a thought.

Council Chair Rapozo: Okay. Further discussion? Did you have your hand up, Councilmember Yukimura? Please.

Councilmember Yukimura: I will wait.

Councilmember Kualii: I would only say that we have heard from a few people from the environmental community with objection, but I think if you start trying to decide for the Mayor who should go in what category, we may end up hearing from the labor community that someone with thirty (30) or forty (40) years of experience in management at a resort should not be representing labor issues.

Council Chair Rapozo: Good point. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Yes. I am going to be a silent vote on this. Mr. Keawe is very well intentioned, very smart, an excellent resort manager who has integrated environmental considerations into his resort, and he certainly has great values. I was impressed and grateful that he presented those so well. By his own testimony; however, he does not have background on community wide environmental issues which I believe was intended by the makers of the Charter amendment that required this expertise in these different areas. For example, he was not aware of environmental impacts of different transportation systems and he was not clear about the priority of open space protection as related to the environment. I have real concerns about this which actually brings to the fore, the whole issue and problem in my mind of requiring people with particular expertise in an environment, labor, or business because it forces us to squeeze people into certain characterizations and it also leaves out say the housewife who may not be in any profession or background but has something to contribute. Yes, there is the general category, but maybe that should be the category for everyone. It sort of builds up this kind of labor versus environment versus business which I also think is an artificial kind of structuring of the Planning Commission. I am not going to oppose Mr. Keawe's appointment. I am going to give him the opportunity to brush up on the issues, but I can think of a lot of other people who have worked with, who have stood up for, who have shown a real concern and background, and have developed a background on environmental issues that are so important. That kind of

background is required in order to really make decisions on behalf of the environment. I am going to trust that Mr. Keawe embarks on a really major self-education in the area of community wide environmental issues so that he will be able to perform in that position to which he is being appointed. Upon time of renewal, I will be reviewing his record accordingly.

Council Chair Rapozo:

Councilmember Hooser.

Councilmember Hooser: I also trust that Mr. Keawe will serve on the Planning Commission and make the best decisions and choices he would make with integrity. Having said that, I am not going to be voting in support of his nomination. I think we all look at the world differently. This is not about character. This is not about his family. It is not about Hawaiian. It is about how people live and work in the world and what their experience, history, and background, and the lens that they look at the world through. My vote in opposition is really a vote to the Administration. I know it is going to pass. There is no question about that, but the Administration should know better and should honor the intent of the Charter. We have strong labor people and members of unions. Councilmember Kualii just said that just because he is in management so the labor would object. It is the same thing. One of the biggest environmental fights in our County historically has been about hotels and the environment. That has been the biggest one. Over and over again. I think as good as person and their heart may be, they come looking through the lens of if we can afford it, then we can do it. Let us have a sustainable resort. There are times when I want the Planning Commission to say, "No, we are not going to do it. We are going to protect the resource. We are not going to do this just because it is going to create jobs or just because it is going to do this or that." There is a time when you have to say no and I am troubled by an appointment that has never been there, never said no, and has no involvement whatsoever in these issues in the past. Really, it is about perception. It is about tilting of a balance. I would like a person there that is going to tilt in the favor of environmental protection. We have people tilting in the favor of labor, we have people tilting in the direction of business, and the intent is to have somebody there to exert that balance. As good again as a person is in their heart and their character, in my opinion, he does not have the track record that shows he will tilt this way. In fact, just the opposite. His bias, like we all have biases, is toward hotels. It is about perspective. I think once in a while we need to tell the Administration this. It is a small community, it is hard to vote no on people, and we try our best. I try my best not to make it personal and it is not personal. In addition to this, gender balance is a small thing. We have two (2) women on this panel and I think there should be a concerted effort. Some communities pass laws to make the Administration provide gender balance. We have not done that yet, but I believe our Mayor should start doing that. Again, this is not criticizing anybody's character. It is more criticizing the judgment of the Mayor in choosing someone with such a strong background in resort management to serve the environmental position. Thank you.

Council Chair Rapozo:
Kagawa.

Thank you. Anyone else? Councilmember

Councilmember Kagawa: Thank you, Chair. I am going to be supporting Mr. Keawe. I think when you look at the environmentalist tag and determine who is fit for the environmentalist tag and whether they would be the best member to make these decisions on the Planning Commission including rezoning or expanding Visitor Destination Areas (VDAs) of what have you. You look at the credentials. That is the only thing we have before us when we vote on them. For me, when I look at what Mr. Keawe presented and how he approached his general outlook as to what is best for Kaua'i is keeping Kaua'i, Kaua'i is what he said, but knowing that progress needs to

occur at times and what is the best decision. I can appreciate that. I think if you have an environmentalist that *per se* is maybe involved with whale sanctuaries, their primary focus is all the time on whales. How does that benefit the Commission? If you have somebody with Save Our Shearwaters that only worries about basically the County and Kaua'i Island Utility Cooperative (KIUC) trying to do what they can to save Shearwaters, how does that add to a Planning Commission with that sole focus? I think Mr. Keawe is deeply rooted and he has a lot of knowledge about Kaua'i and about the hotel industry. I think that can be a plus as we go forward knowing how we were. I think that is where we want to go. We want to go how we were before when he was a Manager of Coco Palms and when Kaua'i was the size that we all wish it was. It just grew. Here we are today and I think a lot of us here feel we want to slow it down, yet how do we keep moving forward and creating the jobs that we need for our families and creating opportunities? That is where like Mr. Keawe said, the balance is needed. I think he did not speak about it. I think there is a separation of church and State, but he is deeply rooted in religion as a leader and helping a lot of families. This is a highly energetic man if you get to know him. I think he takes his job very seriously. I think when he is on the Planning Commission you will see a very committed man and we will be very proud of the kind of time and the kind of decision that this man makes just knowing his character. I believe he would be a great addition. Mr. Hooser talked about perhaps the Mayor can change the categorization at some point. I think if the Mayor sees it fit, that maybe he was to find an environmentalist in that slot, I think that is an option. But for today, I do not want to deny a good man and tell him today that we do not approve of him because I highly approve of him. We are lucky to have Mr. Keawe's name before us. I think everyone on this table feels that way. It is just a matter of this categorization. I hope the Mayor maybe can consider the options that were presented today. Thank you, Chair.

Council Chair Rapozo:

Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I will make it quick. When we talk about an environmentalist, for me, it is a very difficult thing to quantify. I do not know what the definition of an environmentalist is. We can have people that are way on one side and they do not want any development or they do not want anything. That can be an environmentalist or you can have somebody who wants all construction. I think the word that Mr. Keawe said a lot was balance. For me, I appreciate the balance. I actually have not met him or heard anything about him. I Googled him and he was actually in The Garden Island beginning of this year on a talk story session. He mentioned that the hotel and local residents have the same wants. Hotel guests want to come here and they want to see the beauty of Kaua'i. The local residents, they want to keep the beauty of Kaua'i. I think he understands that balance more than anybody because he is at a hotel that needs to keep that balance and keep the experience for the guests authentic. He did a lot of things at the hotel as far as native plants, education, and I think it does ultimately comes down to being balanced. We saw him take a lot of questions. He did not have answers for all of them, but he was willing to get the information. He wants to make a decision based on the information he has. I look at an environmentalist, I think somebody cares for the island, cares about the environment, and cares about his resources. I also look at where they are from, where they grew up, and what were their values going up. I think he is a fair candidate for the position and I am willing to vote for him.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Chair. I think this is the difficulty in structuring our Commissions that actually push people in one direction or the other because the candidate we have before us is, if you look at both either Environmental or

Labor, could go in either direction. For me, I would appreciate it if we had all candidates like that on the Planning Commission. I kind of support the intent that Councilmember Hooser is suggesting. I think that it is a good direction and consideration that we consider Mr. Keawe for representing the Labor segment given the structure that we currently have. However, I have enough trust in knowing who he is and what he represents that he can take on this new *kuleana* that he is moving towards. I think that he has been an asset to the industry that he has worked in and has been able to find that balance. I also think that we have all been a part of the visitor's industry to some degree. Myself, Council Chair, and previous Council Chair has spent their whole careers. Does that make us not an environmentalist? I would have to disagree. I think we have to look at a person as a whole. My experience with this person is that he can represent that. The question really comes down to me is will he act in that direction? Will he serve that new *kuleana* that has been given to him? It comes down to whether or not we can trust him. I am hoping like Councilmember Yukimura who will be tracking this, that he does move in that direction. He is a good candidate like it was said earlier. I will be supporting him. Thank you.

Council Chair Rapozo:

Thank you. Councilmember Kualii.

Councilmember Kualii: I would just want to put forward that according to the Charter, it is the seven (7) seats. There are two (2) for Environmental, two (2) for Business, two (2) for Labor, and then one (1) At-Large. Mr. Keawe, for all intents and purposes, could qualify for all, but probably the most appropriate one is Business because he was the manager of a resort for thirty (30) or forty (40) years. Do not confuse Labor for management. There is a big difference. Labor means the workers and the unions. The other thing about the Charter is that it says, "Shall have knowledge and awareness of these areas." So, shall have knowledge and awareness. It does not say expertise like Councilmember Yukimura referred to. I mean, probably by the time you get to fifty (50) or sixty (60) years old you have experienced a lot in your life and you can have the knowledge and awareness to apply to these different areas. Because the Planning Commission is so important in the work that they do, maybe the citizens would want to come forward and revisit the process for selecting these seven (7) members and maybe they do want to define categories that actually does talk about provable experience and expertise, if you will. As it is now, the system as how it is set up by the Charter, to me, means clearly he is eligible especially based on all that he has shared with us today. I did respond to the handful of folks who testified with my questions back to them. They were appreciative. Their responses were that they do not necessarily have somebody else in mind that actually put their name forward. So, it would be interesting, I think, as a Council to know from Boards & Commissions who is really applying and saying they are interested. Yes, it is still the Mayor's prerogative to decide, but had we known maybe that there was somebody else that we would have preferred in advance, we could have talked it over with the Mayor or what have you and we could have made some decisions in that way. All of them had replied too that yes, there are a lot of people that are willing to be advocates and outspoken on behalf of the environment but not necessarily willing to step forward and volunteer to be on the Planning Commission. The other thing as far as testimony, I think if there was more serious concerns and problems with Mr. Keawe serving in this slot that is with knowledge and awareness of environmental concerns, we would have heard official testimony from the environmental organizations. We have several environmental organizations on this island that are very active and doing awesome work. They remained silent on this. I am supporting Mr. Keawe.

Council Chair Rapozo: Thank you very much. As far as for me, the word "balance" has come up several times. I think that is what I am more interested in. I did not know Mr. Keawe before today. I think I met him at functions but never knew

him. The Planning Commission is tasked with the planning of this island's future and the development of this island's future. You have to have some balance. I think Mr. Keawe brings that to the Commission. Stereotypes are hurtful. Sometimes it is really counterproductive when because he is a resort person, he cannot serve in that capacity or because he worked for the resort. I think that is so unfair. I think Mr. Bernabe said it best. It does not matter what his career was because you can be an environmentalist or you can have environmental values but still, you have to work. Not too many environmental organizations out there are hiring people to be able to take care of their families. So, whether you are a hotel worker or wherever you may be, that does not mean your rooted values are not there. I think that is a prime example that Mr. Keawe as he has translated those values into his work at the resort. I mean, he has done it as he said. I think he was trying to emphasize the point that I have done it. I just have not talked about it. We have done it at the property. We have created some environments for natural and native species to flourish. We are doing our part. That is important to me, that you have actually done it versus the person that talks about it and profess it. This person has actually done it. Councilmember Kuali'i said once earlier today sometimes he is an environmentalist and sometimes he is not. When you leave the light switch on when you should turn it off, you are not a real environmentalist. I think the cultural base that Mr. Keawe has for this island, for you culture, for the fishing, the hunting, the access rights, and all of those things, that is what I want to see on the Planning Commission. Of course like Councilmember Yukimura, we all will, I think, monitor his progress there. Obviously if he is not performing to the expectation of the public or the Council, then he will not be renewed. I do not believe we will be here because how long is the term? Three (3) years. Okay. There may be a chance some of us are here. For the most part, the Council at the time will be able to evaluate his performance which is going to be important. With that, did I ask for public testimony? I did. Okay. With that, roll call.

The motion adoption of Resolution No. 2015-33 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 6*,
AGAINST ADOPTION:	Hooser	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent, but shall be recorded as an affirmative for the motion).

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2015-34 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE PLANNING COMMISSION *(Thomas P. Contrades – Labor)*: Councilmember Kagawa moved to Receive Resolution No. 2015-34 for the Record, seconded by Councilmember Kuali'i.

Council Chair Rapozo: Any public discussion?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to Receive Resolution No. 2015-34 for the Record was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

Resolution No. 2015-35 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE POLICE COMMISSION (*Savita Agarwal*)

Council Chair Rapozo: Any discussion from the public?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Go ahead, Councilmember Kagawa.

Councilmember Kagawa moved to defer Resolution No. 2015-35 pending interview, seconded by Councilmember Kuali'i, and unanimously carried.

Council Chair Rapozo: Thank you. At this time, we will break for lunch. It is 12:40 p.m. We will be in recess until 1:45 p.m.

There being no objections, the Council recessed at 12:39 p.m.

The meeting was called back to order at 1:45 p.m., and proceeded as follows:

Council Chair Rapozo: Staff, can we have the next item, which we are on Bills for First Reading?

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2582) – A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 Operating Budget*): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2582), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2015 at 5:00 p.m., and referred to the Budget & Finance Committee, seconded by Councilmember Kagawa.

Council Chair Rapozo: Any discussion? Councilmember Hooser.

Councilmember Hooser: The proper presentation from the Administration will be on the first Committee Meeting?

Council Chair Rapozo: Yes, sir.

Councilmember Hooser: Okay. Thank you.

Council Chair Rapozo: When will it be? The Committee Meeting? Oh, at our budget hearing? Okay, Councilmember Hooser, that will be this Friday.

Councilmember Hooser: This Friday the Administration will be here to present their budget?

Council Chair Rapozo: Correct.

Councilmember Hooser: Okay. For the entire County, not just their office.

Council Chair Rapozo: The overall budget is Friday and then we start with the Departments.

Councilmember Hooser: Okay. Great. Thank you.

Council Chair Rapozo: But that would be a good time to ask the questions. Any other discussion? There is no one in the audience present. So, we will do a roll call, please.

The motion for passage of Proposed Draft Bill (No. 2582), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2015 at 5:00 p.m., and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: Seven (7) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Proposed Draft Bill (No. 2583) – A BILL FOR AN ORDINANCE RELATING TO CAPITAL IMPROVEMENTS AND FINANCING THEREOF FOR THE FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016 (*Fiscal Year 2015-2016 CIP Budget*): Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2583), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2015, and referred to the Budget & Finance Committee, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? Roll call please.

The motion for passage of Proposed Draft Bill (No. 2583), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for May 13, 2015, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: I have just been informed that we did not include the starting time in then motion. Should we clean that up? Can we do a friendly amendment?

Ms. Fountain-Tanigawa: Or we could just state that the public hearing will be scheduled for 5:00 p.m.

Council Chair Rapozo: Okay.

Ms. Fountain-Tanigawa: On May 13th.

Council Chair Rapozo: Why do we not state that the public hearing will start at 5:00 p.m. on May 13th for both of those items? That is the budget and the Capital Improvement Project (CIP) budget. Thank you very much. Next item.

Proposed Draft Bill (No. 2584) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Re-instate Credit Union Exemption*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2584), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2015, and that it thereafter be referred to the Budget & Finance Committee, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Councilmember Kagawa.

Councilmember Kagawa: Thank you. This is a Bill that I have submitted. It was approved by the previous Council and being that we have two (2) new members, I wanted to revisit this issue. My reason for revisiting this issue is that I strongly opposed the measure the last time and it was proposed by the Administration as a means to try and collect more revenue based on the new large beautiful building that Kaua'i Community Federal Credit Union (KCFCU) built. We heard from the overall manager for the credit union, Mr. Chiba, said in hindsight if he knew that the County was going to change it tax policy on credit unions, that he would have not have proceeded with building that building. I think my main reason not to agree or disagree with Mr. Chiba is that we are the only County that taxes our credit unions and do not treat them as non-profits. I believe that if you are trying to promote Kaua'i business and trying to get them to flourish, what you want them to do is to have a level playing field. When other credit unions around the State are exempt from property taxes and we are the only island that taxes them, I think we are doing the opposite to promote our businesses to survive and succeed and to serve the members. Through that whole time the last time, I do not want to take too long on it, but I did not hear the large banks like their competitors you could say, First Hawaiian Bank and Bank of Hawai'i. None of them came here and testified. In fact, what I found out in going through my own process with my bank, First Hawaiian Bank, I found out that they promote you going. If they cannot help you with the equity loan, they promote you going to KCFCU which can offer you better lower interest equity loans. It is a partnership and I think First Hawaiian Bank embraces that ability to be able to refer you and give you the best option for paying for whatever needs to you have whether it is fixing your house, paying for your child's college, or what have you. Having that flexibility and having the ability for us residents who are in the middle and lower class to go to the credit union and get loans or what have you when the big banks will not give it to you, I think, is really a wonderful benefit to help us succeed and have our children go to college and what have you. I want to keep the playing field for our credit unions on a level basis. I think we were hurting

for revenues the last time. The Council found it in their best interest to agree with the Administration the last time, but I think now we heard the budget message of the Mayor. He has proposed thirteen million dollars (\$13,000,000) surplus. I think now is the time that we can get our credit unions to be treated as the rest of the credit unions around the State. I will be supporting this Bill and I look forward to public testimony. If the large banks to have a problem with it, then I ask them to please submit testimony and tell us why. Thank you, Chair.

Council Chair Rapozo: Thank you. Councilmember Chock.

Councilmember Chock: Thank you, Chair. I supported this, seconded it for discussion, and in theory, support the Bill in getting as much relief to our credit unions. I just had a question for Councilmember Kagawa. Do we know how much revenue this would amount to for the County?

Councilmember Kagawa: I will ask the Administration. I will ask our staff to get that number from Mr. Hunt, if possible.

Councilmember Chock: Thank you.

Councilmember Kagawa: For the Committee Meeting. Thank you.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Yes. I am going to be supporting it on first reading also. I have to say though, we talk a lot about reform and I feel like we are going down the path of piecemeal legislation again. I support credit unions, I support farmers, I support everybody, but we cannot just give everybody tax breaks. My preference again, was to give people that live in their homes not a break, not a reduction, but just freezing them what they were in last year. I think to offer a tax break to credit unions is premature until we look at the overall, take a big look at the reform that was talked about often here. It is my understanding this is part of the budget. The Mayor's budget is premised on this money. So, I thought that we have to offset it with a cut before we support it. I think that was the practice in the past that if we were going to take money out of the Mayor's budget, we would have to add a cut. Anyway, I will support it on first reading, I think that it again, is piecemeal and it goes against the discussion we have been having that we need reform. Thank you.

Council Chair Rapozo: Thank you, Councilmember Hooser. Anyone else? If not, I will reserve my comments for the Committee Meeting, but I do support the measure. Again, no one in the audience here present. No further discussion. Roll call.

The motion for passage of Proposed Draft Bill (No. 2584), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2015, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2585) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND: Councilmember Kualii moved for passage of Proposed Draft Bill (No. 2585), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2015, and that it thereafter be referred to the Planning Committee, seconded by Councilmember Chock.

Council Chair Rapozo: Planning Committee? It should be Budget & Finance Committee.

Councilmember Kualii: Public Access, Open Space.

Council Chair Rapozo: No, we are on the...

Councilmember Yukimura: It is a Planning issue.

Councilmember Kualii: Number 4.

Council Chair Rapozo: Oh, I am sorry. I misspoke. I am sorry about that. Any discussion? Councilmember Hooser.

Councilmember Hooser: I was just wondering what the budget impact was? Do we know what the budget impact annually is in round numbers?

Council Chair Rapozo: Five hundred sixty-three thousand dollars (\$563,000).

Councilmember Hooser: Five hundred sixty-three thousand dollars (\$563,000). Just for the record, it was stated earlier that the Administration is proposing a big surplus. I think that is debatable. When I remember his remarks when he presented that publicly that there was some five million dollars (\$5,000,000) from taxes that are going up because of various things; increased assessments, the new tax categories, and cutting things like our Open Space Fund and others. I just want to be clear that numbers can be interpreted in different ways. I think we are a long way from being out of the woods when it comes to our budget. Thank you.

Council Chair Rapozo: Thank you. Any other comments?
Councilmember Chock.

Councilmember Chock: Thank you. I will be supporting this one on first reading as well and I am introducing it by request. However, this is one of the funds that I would look at cutting last. I am hopeful that we can continue to explore options in cutting this five hundred sixty-three thousand dollars (\$563,000). I am interested in our exploration and seeing what we can accomplish together. Thank you.

Council Chair Rapozo: Any other discussion? Councilmember Yukimura.

Councilmember Yukimura: I am not in favor of this Bill. I am going to let it pass on first reading because I feel we need to hear from the public and the Administration, and we need to do our due diligence. At this moment, I do not agree to reducing the amount of money we set aside for open space.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. May I add that I think today we heard mention of Black Pot Beach Park acquisition expansion. Can I reiterate the need for the Administration to properly acquire open space lands so that when we do acquire it, we do not end up in court? I think Black Pot Beach Park is still up in the air. We have had that Executive Session a number of times and instead of going to court, let us make sure we spend the due diligence so that when we do acquire it, there are not any problems so that it will delay the public from having benefited from the spending of these open space moneys. I just want to say, let us be a little more cautious and let us try and work out a win-win solution as much as possible if we can in acquiring these lands so that we can get in use by the public instead of having it tied up in court. Thank you, Chair.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Yes. I appreciate Councilmember Kagawa's concerns about lawsuits and extended time to acquire the property. I want to say in the case of the Black Pot Beach Park expansion, that we did everything possible to work with the landowner first and there was no other option to obtaining those lands, in my opinion.

Council Chair Rapozo: Councilmember, I am going to ask you to hold that thought because BC is raising his hand and he has to change the tape. I want to make sure all of the comments are captured. So, let us take a five (5) minute in-seat break. Sorry about that.

There being no objections, the Council recessed at 1:58 p.m.

The meeting was called back to order at 2:03 p.m., and proceeded as follows:

Council Chair Rapozo: Sorry about that. Councilmember Yukimura, if you could proceed.

Councilmember Yukimura: Yes. Well, I was saying that in response to Councilmember Kagawa's concerns about litigation that in the case of Black Pot Beach Park and I think it is our policy. We will not go to litigation unless we have to. If we have to, we need to because those lands are so precious. Once they are built upon, the chances of putting them into public ownership and public use is gone pretty much. I feel we have to be willing to go those lengths if we have to, but if we do not have to, we should use every other alternative.

Council Chair Rapozo: Thank you. Anyone else? Let me just chime in a little bit. Jenelle, thank you for providing the numbers, but currently one and a half percent (1.5%) and again, these things are fluid because it depends on your real property tax revenue. They year, we anticipate a higher real property tax revenue. Right now, it is just about one million seven hundred thousand dollars (\$1,700,000) that would be dedicated to open space if this should pass, the minimum. This does not prohibit the Council from putting whatever they want in there. Based on today's numbers, five hundred sixty-three thousand dollars (\$563,000). It is about a one

million two hundred thousand dollars (\$1,200,000) swing, but I think we have to remember that it does not stop the Council from moving one and a half percent (1.5%) or two percent (2%). This just gives the Council the flexibility. Again, if there is a thirteen million dollars (\$13,000,000) surplus which is do not know where it is coming from, but if there is then there is more than enough to move into the fund. Likewise, there is more than enough to stay away from any tax and fee increases. So, this basically provides the Council with an additional tool should the need arise, to raise funds or have funds available to prohibit or prevent us from being forced to raise taxes. That is the way I am looking at it. I am not saying he is cutting it. I am saying he is giving the Council the discretion that we can set it whatever way. We could go three percent (3%) if we wanted. I just wanted to make that comment for the record. With that, any other discussion? If not, roll call.

The motion for passage of Proposed Draft Bill (No. 2585), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2015, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7*
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Hooser and Councilmember Yukimura were noted as silent, but shall be recorded as an affirmative for the motion).

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Thank you. Next item, please.

Proposed Draft Bill (No. 2586) – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE WEIGHT TAX: Councilmember Kuali'i moved for passage of Proposed Draft Bill (No. 2586), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2015, and that it thereafter be referred to the Budget & Finance Committee, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. Any discussion? Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. For me, it takes a very bad Bill from the onset for me to case a “no” vote on first reading because I feel like you may learn something new in the public hearings. This motor vehicle weight tax that is being proposed has already been raised last year. We also increased the fuel taxes. We also increased the car registration fees. All last year now, mind you. I relate this to the smoke bill and what the residents said at that time is, “Do not even go there.” For me, as the Mayor stated in his State of the County address, he is proposing a budget with a thirteen million dollars (\$13,000,000) surplus. Now, the Council can even add to that surplus by further going deeper into cuts. I think I have been the champion of cuts so far being proposed, not getting approved. But I have proposed in the billions every year since I have been on this Council. I definitely believe in tightening the budget, letting everybody live with a tighter budget, and if it is really

needed, they can come back with a money bill. I think that is a better way than giving somebody all what they are asking for and letting them spend whatever they have in their budget, which may be too much. So, there are two (2) ways of looking at how you deal with a tight economy with our County. Certainly increasing the car tax, I mean, at some point, we have to kind of stop it. We already did a lot of increasing to the car tax. I am getting a lot of complaints from the public, a lot from my close supporters that when they pay the annual fee again they are saying, "Hey, what is going on? Last year was so much less." It is kind of frustrating to say that, "Well, if we do not increase this tax today, then do not expect the roads to get repaved." No. It is not correct. If we want the roads to be repaved, Public Works can come forth with a solid plan, show us what roads are in bad condition, show us how they are going to fix it, and we will approve it. We are going to take care of what is out there that is a hazard. That is our job. Our job is to take care of our County roads that are most traveled that severely impact people driving, people walking, or what have you. When you have a thirteen million dollars (\$13,000,000) surplus, that means you have thirteen million dollars (\$13,000,000) that can be used if project come up like a solid resurfacing plan that needs to be approved. I am saying, no, let us not say that if this vehicle weight tax does not get approved that we will not fix roads. I mean, that is so far from the truth. That is like using a false reason why we need to approve something. We want to raise to motor vehicle weight tax because the Mayor and the Finance Director feels like it will be a fair tax to put upon the residents. I feel we have taxed the car enough last year already. This year, I urge members to please say "no" to this bad Bill. Thank you. Thank you, Chair.

Council Chair Rapozo:

Anyone else? Councilmember Chock.

Councilmember Chock: Thank you. While I will be supporting it on first reading to hear from the public, I also have reservations about this Bill. We stuck our neck out last year and raised it. The State is raising it as well. The discussion, to me, comes back to where we started which was let us look at tax reform, let us look at getting our tax force together, and discuss if and where we need to make some changes if at all. My hope is that we look at other alternatives rather than moving in this direction in this coming budget for this. Thank you.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Yes. I am going to be voting for this Bill on first reading, but I am expecting Public Works to come during budget hearings with a solid plan for how we are going to address the one hundred million dollars (\$100,000,000) bill that we have for fixing our roads. I do not believe in just responding to the most hazardous road. That is not a good way to steward our road resources. We have to have preventative maintenance because if we allow our roads to deteriorate until the base is disappearing, it is going to mean a bigger bill in the end to fix our roads, and where is that money going to come from? I am committed to fixing our roads in a cost-effective way so that we do not have to have big bills to fix our cars and trucks. I do not want to get to the level where City & County of Honolulu got. So, we have a responsibility to be proactive and it is not the sexiest thing like saving hazardous roads. It is our responsibility and *kuleana* to keep those roads in good condition. If it is going to take one hundred million dollars (\$100,000,000), we will need another source of revenue. It makes sense that the entities that get the most benefit from good roads, use the roads, and cause the damage to the roads help to pay for that. I think we have to look at this, but I do agree we need a very good plan. I am counting on Public Works and the Administration to provide such a plan this year because the complaints are not just about raising fees. The complaints are about Puhi Road and other roads and how we

are going to fix them. I think we need to fix them, not just the squeaky wheel and the worst roads. We have to have a plan to keep all of our roads in good condition.

Council Chair Rapozo: Anyone else? Councilmember Kuali'i.

Councilmember Kuali'i: I will just say that I agree with Vice Chair Kagawa's comments and that I am only hesitantly supporting this Bill on first reading so that we can hear more and do some analysis in Committee. I definitely want to hear from the Administration on their justification of why this is necessary and to show me that this is something that the people would support because it will serve them. I am looking for justification from the Administration.

Council Chair Rapozo: Anyone else? Councilmember Hooser.

Councilmember Hooser: Yes. I still have not decided whether I am going to vote to move it forward or not on first reading because I share Councilmember Kagawa's concerns and many others expressed here. It extends to taxes that are going to be going up and property taxes. It extends to other fees and increases. The people of our community just had enough. I know I had enough. I mean, an extra twenty-five dollars (\$25) or thirty dollars (\$30) goes a long way in my family. You can say, "Oh, it is only twenty-five dollars (\$25) or it is only fifty dollars (\$50)," it is a lot of money to a lot of people and our people have been stretched over and over again. Lots of other things are going up. So, I think we need to bite the bullet and say, "No" and breathe for at least a year or so if in fact we have a thirteen million dollars (\$13,000,000) surplus. At the end of the day, I cannot support this. Thank you.

Council Chair Rapozo: Why do you folks not work on that and we will continue the discussion. Councilmember Kaneshiro. There is a technical amendment that needs to be done today. So, she is going to work on it. Let us continue the discussion.

Councilmember Kaneshiro: I was just going to mention the technical change or housekeeping thing. We can keep moving on.

Council Chair Rapozo: Okay. You do not have anything else? Please.

Councilmember Hooser: Just a reminder, I think we all know this, that at the end of the day we have to have a balanced budget. So, if we do not, then the Mayor's budget goes through. If in fact this is voted down at some point, that will have to be made up in other savings or if our tax increase goes through, we will have to make it up in other savings. Just a reminder, I think, for the public's purpose, but as well as ours. Thank you.

Council Chair Rapozo: Thank you. I basically agree with everybody to some extent. I do not know how the public, because we are all tax paying citizens. I do not know how the public perceives a budget message that we are going to enjoy a thirteen million dollars (\$13,000,000) surplus and within the same month, there is a request to raise taxes or fees. I do not know how the public accepts that. I do not. I mean, if we have a thirteen million dollars (\$13,000,000) surplus, then we need to use the surplus before what I believe is unfairly tagging the taxpayer. This newspaper article is so misleading and I have to believe that the information came from the Administration. This is a two (2) year process too now. It is not just one (1). It raises it this year and it raises it again next year. So, it is two (2) years. Collectively, I believe close to three million dollars (\$3,000,000) of increased revenue

over two (2) years. I know it is about eight hundred thousand dollars (\$800,000) this year. But when you read the article, and it does not say where it is from, but the way I read it sounds like it is coming from the Budget Manager Ernie Barreira. It is saying that the increase would amount and the residents pay for an average two thousand nine hundred seventy-nine (2,979) pound compact car from fifty-nine dollars and fifty eight cents (\$59.58) to seventy-four forty eight (\$74.48). Now, how many in here had a compact car? Staff, how many of you have a compact car? Gary, do you pay between fifty-nine dollars (\$59) and seventy-four (\$74) dollar for your tax?

Councilmember Hooser: I think I got a two hundred fifty dollars (\$250) bill.

Council Chair Rapozo: Yes, exactly.

Councilmember Hooser: On my small pickup truck. I do not know if it is a compact.

Council Chair Rapozo: It is a light truck.

Councilmember Hooser: Yes.

Council Chair Rapozo: It is saying that my annual tax payment is going to jump from eighty-five dollars (\$85) to one hundred six dollars (\$106). I have not paid one hundred dollars (\$100) for my tax for years. Then it goes on to say the following year it is going to go up. I am just going to use mine because I know what mine is. My light truck would be about one hundred twenty-seven dollars (\$127) annually. I am paying almost three hundred dollars (\$300) annually for a light truck two-wheel drive (2WD) Dodge Dakota. So, this is very misleading to the public because this is not what the public is paying. It is not. The people are saying, "Oh, yes." In fact, some people may be reading this and saying, "Damn, I am going to get a rebate. I am paying two hundred something now, it is going to go down. Yes." So misleading and we do not need to do that. You call a spade a spade. You tell the public, your rate is going to go up and you are going to pay more, and you justify that however you feel you need to. Do not mislead the public by saying that it is going to be this much when it is this much. Our function is to provide accountability, this body. It is to get a balanced budget in place and all of those things, and keep people safe. It also is to make sure that this County is operating in an accountable efficient manner. Much of what I want to say now I said earlier today. We constantly say we have to be more efficient. We constantly say we have to hold the line. That is where it ends right here on this table. It starts by sending a message across the street seeing like Councilmember Hooser just said, "Enough is enough." We cannot continue to burden the public. The budget that came across includes the revenue generated by these bills which means some adjustments are going to have to be made. That is where we come in to play. As we go through the next several weeks of budget review, we have to make sure we end up with a balanced budget meaning that some moneys are going to have to be moved. We have a thirteen million dollar (\$13,000,000) surplus. Again, everything is connected in this budget. You have all of these Departments fighting for the same dollar and we are the people's advocates and we cannot continue to just say, "It is only twenty-five dollars (\$25)." Councilmember Hooser is exactly correct. Even if you do not have twenty-five dollars (\$25) extra, you may as well make it one million dollars (\$1,000,000). There are so many people out there today that do not have that extra twenty-five dollars (\$25). They do not and it is just the principle of it. Again, for me, I am bothered by the fact that last week the public was told, "We are going to have a great budget." In fact, we found thirteen million dollars (\$13,000,000). Again, I do not know where that is coming from. But

we need to raise your taxes anyway. I have a philosophical problem with that. How do you justify that? Taxes and fees should be the last resort. I am not going to be supporting this on first reading. I would hope this Council would vote this down on first reading so we can send a message across the street and say, "Hey, let us find another way." Thank you. Councilmember Yukimura.

Councilmember Yukimura: I am just wondering if the difference in figures or the discrepancy in figures is due to the fact that we collect the State vehicle weight taxes too, do we not?

Council Chair Rapozo: Correct.

Councilmember Yukimura: I think it is all one. So, while the Administration's description of what is going to happen may seem funny, it is probably because they are only talking about the County portion of the fee, and that accounts for that difference.

Council Chair Rapozo: I am sure that is what they meant.

Councilmember Yukimura: I understand and agree that the public does not care how much is State and how much is County. They just care what the total bill is. That is true. On the other hand, we still have to fix county roads. It is not going to help that all of the State roads are fixed and County roads are not. We still have a *kuleana* to make sure our County roads are fixed.

Council Chair Rapozo: Yes, and let me just read it verbatim. It says, "Owners of mid-sized trucks," and they did it for every category, "weighing in at four thousand two hundred fifty-nine (4,259) pound on average would see their annual tax payments jump from eighty-five dollars and eighteen cents (\$85.18) to one hundred six dollars (\$106)." That is not true. Simply not true. However, they phrased it. The other thing, Councilmember Yukimura, you are correct. I also want to say that not very long ago we sat here and the Council was shocked to find out that the County had not paved a road on a whole year. A whole cycle. We funded it with a lot of money and then we were told in the following year we did not pave any roads. Really? What did you do with the money? Well, we came up with this great plan that if we did not pave this year, next year we will have more money we can do more roads. One (1) plus one (1) is two (2). Whether the one is this year and the one is next year, one (1) plus one (1) is two (2). In fact, if you wait a year because of cost increases, you end up doing less. So, that made no sense. Absolutely no sense. I do not think our paving program is efficient at all. Giving them more money does not solve the problem. What it does is it increases the inefficiencies. It allows them to continue the inefficiencies. I support Councilmember Yukimura's request. Come up here and give us a plan. We have seen the plan before in the past as they come up with their road paving schedules. Like I said, we went through a whole year and nothing was paved. They had the plan. They had the schedule. Ask the people in Kekaha and Waimea, the road that goes up past the school. You drive up there. For years and years and year you drive up there. Those poor residents, do you know what? They do not make noise though. They are old, the seniors, and the local people here, they do not complain. But you drive up that road, you have to go to the dentist afterward because your teeth get loose and I am not exaggerating. There are many roads on this island that have just gone without paving. You brought up the road going up Waipahe. They paved it to the standards that I have never seen, and back then I asked the question and nobody knew how that happened. I know how it happened because you had a rich landowner that went up there and asked someone that they knew, "Can you pave our road" and they did it. That is how that happened. That is our job to make sure that does not happen so we do not just keep feeding the troll. No. You come up and

now we are going it off of the taxpayers additional money. I suggest we say, "No" and we get these programs in order because I think a lot can be done with the money that is already there. Councilmember Kagawa is right. To say that if we do not support this we do not support fixing the roads is a lie because there are too many roads to pave to tell me that we need this money or we are not going to be able to pave. Go ahead.

Councilmember Kagawa: I know this is my second time so please keep track. I do not want to go over. I remember also that I made a request to Public Works because I had heard of a problem where we have only two (2) people that do resurfacings on Kaua'i and they said that it appeared as though the two (2) of them may have been taking turns on the bidding. The question I had for the Administration which was not answered was, do we put up an upset price based on whatever estimated feet or what have you that is being asked. I did not get an answer whether we had a provision for that upset price otherwise what is happening is the taxpayer is just at the mercy of one (1) bidder which could be an overpriced bid. If you have two (2) companies that are taking turns, that could really lead to a lot of overpriced repaving contracts that is going on. It is not to say that it is an easy solution because Kaua'i is a small island. Maybe is it tough to get outside O'ahu contractors and what have you bidding on these projects. What I am saying is in protecting the public's interests in getting a right price for the job that we should have some provision in there like an upset price whereas if the bids come over that amount than it is now and we go back to another bid. I think at some point we need to get the answer to that question whether my concern was true or false. I think that is one of the things that I will put on the agenda as well as a separate item because I think as we talk about these fees and increasing productivity in repaving, I think that is one of the questions that needs to be answered. It was not brought up by me. It was brought up by a constituent. Thank you, Chair.

Council Chair Rapozo: Thank you. Anyone in the audience wishing to testify? I know you came in late. I will go ahead and suspend the rules with no objections. You can come up.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: As you get settled, if you are inclined to not support this Bill, then let us do it today so that the Mayor and the Administration can address the revenue in a supplemental budget because it is really not fair to pass it through because you want to hear the public tell us they do not want their taxes raised only so that...it prolongs the Administration's response that I believe we should give them the courtesy that if we are not going to vote for this at the end, let us kill it today so they can make the adjustment. This is directed at them, not you.

Mr. Bernabe: For sure. Matt Bernabe for the record. I would just like to thank you folks for doing the due diligence. Not too many people in person is here and you are still having the debate. I like it. I am obviously opposed. I am one of the "enough" people. I am still grumbling about thirty-two dollars (\$32) a month for trash. Some of these roads that we are talking about have roots that are damaging them that are long-term. Within this dialogue I would like to hear somebody talking about tree removal for prolonged life of the roads you fix. That is just saying it to you folks. The other thing I want to point out is that this tax is not as viable as the thing that I mentioned earlier and looking into the lands that are not actively being used for agriculture. I am going to use an example. I do not think Mark Zuckerberg is going to be growing anything, right? I will tell you folks I do yards, I do some for locals, and I do some Bed & Breakfasts. I work for one of his

neighbors. She pays the top rate possible for her B&B even though it is an agricultural lot so that she does not get legally bound up, not saying that everybody has the conscious like her. Is he going to get an agricultural rate for that lot? People purchasing these huge sums are coming in right now. You folks have an opportunity to use that sale as some revenue. Do you know what I mean? I do not know the answers to everything because I am not privy to what you have. You folks talk about fair. That is fair. I own a house. I pay my tax. I do not have a problem with paying the tax. If I owned a mansion I would expect to pay more for that mansion and I am pretty sure I could afford it. That is pretty fair to anybody you talk to, even majority of the rich people. The people that are not farming and getting an agricultural tax, that is where I think the revenue is. I just wanted to restate that in and get it in there as much as possible because we have had enough. Thank you.

Council Chair Rapozo: Thank you, Matt. Anybody else in the audience wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Thank you, Chair. I heard the request so I want to make sure I hear from everyone else as well since I am the first to vote. I am a team player. If this body is moving in the direction of wanting to kill this Bill, I can support that. I also just want to bring up that what we need to move towards also is not only a sustainable budget, but also getting our bond rating up. So, is it over time? Two (2) or three (3) years or whatever it is. I think that is a consideration to be taken. My request is that if we do not move on this, let us collectively look on how it is we do make cuts or how it is we bring in the kind of income that we need. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Until we know what the plan is, I do not think we should do away with the option for funding it because I have not heard any specific proposal for alternative funding. For repaving roads, it is not like you are going to lessen the cost by not repaving because you are just building a bigger cost ultimately or you are transferring the cost to people's personal cars and vehicles. If we do not have a way to fund the repaving of our roads, it is literally kicking the can down the road, which we have complained about other Councils, other State Legislators, and everybody doing. We cannot keep doing that. To me, by passing this on first reading, it is one, hearing people out but also keeping the option open until we are really sure there is another more viable option to go with. We can always kill it in the end. So we are not taking away that option in the long run. If we do not move it forward with a public hearing on first reading, if we decide later that we have to do it, there is going to be a delay. To me, this is the right way to set it up for our final decision making to allow it to remain one of the options until we are really sure there is a better option.

Council Chair Rapozo: Anyone else? Sorry. I apologize. But we got your point loud and clear, Mr. Bernabe. Councilmember Hooser.

Councilmember Hooser: I want to just briefly comment on Councilmember Chock's. I think it was very important about the bond rating, that thirteen million dollars (\$13,000,000) cannot be just squeezed down to the bottom. We have to leave as much as we can reasonably do to protect our bond rating and the credit of the County. So, that is number one. Number two, I do not see any purpose

in prolonging the pain or the posturing on this issue. I think we should just kill it now or we can all have these speeches again week after week if we want to. I think we should just kill it now and let send a message as you said, to the Mayor. I think there are other income options. We have heard one (1) discussed today from the public and I think we should pursue that. Councilmember Bynum brought that up, we had a bill, and we killed the bill. Those that are using agricultural lands and not growing food on them and not complying with our laws, we should enforce those laws. The Administration should do that and they should do it forthright. Now, when Councilmember Bynum was here he raised some very serious issues about companies not paying their fair share and not complying with those laws. We still have yet to hear from the Administration on their proposal to enforce those. So, there are other options to raise money and we need to encourage or press the Administration to move those issues forward. Thank you.

Council Chair Rapozo:

Councilmember Kualii.

Councilmember Kualii: I would just state that I have heard several different things said. I do not necessarily know what is true and I feel like I can make the best decision if I just had a couple of pieces of accurate information. One of is if there is this ongoing need for the additional funds for the roads and that we are behind in these collections, has anything been done in the last year or two (2) to get going in that direction. I think it was said that there was an increase last year. So, I would want to know what that was and how much revenue we generated because if it is effective January 1, 2016 and effective January 1, 2017 what went into place effective January 1, 2015 and how much moneys are we collecting now that is in the current budget? If it is in this calendar year, the budget is on the fiscal year July through June so it is really only six (6) months that is impacted as opposed to twelve (12). Is the eight hundred thousand dollars (\$800,000) figure that Vice Chair Kagawa put out, was that for a year or for six (6) months? If we kill this Bill without considering it thoroughly first as far as what the Administration was intending and they are not even here to talk or answer questions or anything, then how do we know? What is our responsibility in the budget? Is it eight hundred thousand dollars (\$800,000) or is it four hundred thousand dollars (\$400,000) come July 1st? I do not know. I thought we pass bills of first reading just because it takes a little bit more work. I would hope that they were watching all this time and somebody might have run over here by now, but nobody came. I am still a little torn and I will support this body going forward, but I wish there was a way that I had a couple of quick pieces of information. What is already in place, how much revenue we are talking about that we are already getting, and how much more we are talking about getting going forward if this passes so that we know if we kill it, that we have to come up with amount somewhere else?

Council Chair Rapozo:

Go ahead.

Councilmember Kagawa: Thank you, Chair. I just want to clarify. This is what we are basically dealing with. The Mayor's submittal has an unassigned fund balance of thirteen million seven hundred thousand dollars (\$13,700,000). If you minus eight hundred thousand dollars (\$800,000) for killing this Bill, you get twelve million nine hundred thousand dollars (\$12,900,000). We are almost still at thirteen million dollars (\$13,000,000) in savings. One hundred thousand dollars (\$100,000) away. The Mayor's submittal would be the starting point for our budget proceedings. Based on what the Mayor has submitted and based on the language with the Bill saying, the impact is eight hundred thousand dollars (\$800,000). My guess or my reasoning for not worrying too much is that we are still right in the neighborhood of thirteen million dollars (\$13,000,000) because our fund balance is actually the

thirteen million seven hundred thousand dollars (\$13,700,000) under his submittal. Under that pretense and for the reasons stated by Councilmember Hooser, Councilmember Chock, and yourself, I think to prolong something that is a bad idea is not helping anybody. I think let us be proactive. Let us move forward. Let us get rid of the bad. Let us find some good. Thank you, Chair.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: The thing is that Councilmember Kagawa is assuming that nothing else in the budget changes and that we are going to cut the Open Space Fund and all of these things. It is sort of like going through the whole budget process and saying the only thing we are going to need worry about is this eight hundred thousand dollars (\$800,000) figure. That is not true. We do not know yet until we go through the budget process, which is why we should not make simple assumptions. We need to keep our options open until we make those final decisions because we do not know what it will look like when we are at the point of making the final decisions.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I think just looking and hearing what everybody had to say, I think the things is we should not prolong the inevitable. It sounds like even if for some reason we get the votes to take it to the Budget & Finance Committee, it does not sound like it is going to get the vote to go any further. I think if we kill it now it will allow the County to make the necessary changes at this tie rather than in the future.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Well, the Mayor could come back with fuel tax increases. So, is that what we are wanting to force him to do?

Council Chair Rapozo: No. Councilmember Yukimura, I think by voting no we are telling the Mayor "Do not come over with anymore tax increases. Do not come over. It is going to be met with the same fate." Adjust your budget is what the message is, not we do not want the weight tax, give us fuel tax or give us property tax rate increases. No. We are telling him what the gentleman said, "Enough is enough." I think we have had enough discussion.

Councilmember Yukimura: We are saying that we will make cuts to things like affordable housing and transportation, and those things that our community need.

Council Chair Rapozo: JoAnn, were you paying attention? The surplus, he just said. He did not talk about cutting from anywhere else but the surplus.

Councilmember Yukimura: And we are saying we do not really need a savings account, we do not need to pay attention to our budget...

Council Chair Rapozo: Again, JoAnn...

Councilmember Yukimura: ...our bond rating, and all of those things. Is that what we are saying?

Council Chair Rapozo: No.

Councilmember Yukimura: We are putting ourselves into a corner.

Council Chair Rapozo: You take it how you want. I think the public understands what we are trying to do. I think the public agrees with what we are doing. It is not taking money away from seniors, kids, the elderly, the injured, and the sick. It is about being fiscally responsible. It is not about taking away from anywhere else. It is basically saying "enough is enough." The people have told us time and time again and we are addressing that concern.

Councilmember Yukimura: We are saying we are going to take away from open space.

Council Chair Rapozo: This is not open space, JoAnn. This is vehicle weight tax.

Councilmember Yukimura: The Mayor's budget already is taking away from open space.

Council Chair Rapozo: Without getting into the budget discussion here, trust me.

Councilmember Yukimura: Well, that is the problem.

Council Chair Rapozo: Trust me. No. Trust me, I have a list of cuts that will increase...

Councilmember Yukimura: Well, then let us...

Council Chair Rapozo: Anyway that is for next week.
Councilmember Hooser.

Councilmember Hooser: Very briefly. I mean, this is the first real meeting as we had as start down this process. As I sit here thinking about what we are going to do, just to plant the seed. If we could look at even like a fifty/fifty (50/50) split and take some from the surplus possibly and other for cuts as we move down this path. I think we definitely have to have increased efficiencies and cuts. It cannot be all like a piggybank from the surplus. We have to be responsible in that. I appreciate what you are saying, Chair.

Council Chair Rapozo: Thank you, Councilmember Hooser, because that is the message this Council is trying to send, in my opinion. With that, roll call.

Ms. Fountain-Tanigawa: This is to approve.

Council Chair Rapozo: This is to approve.

The motion for passage of Proposed Draft Bill (No. 2586), on first reading, that it be ordered to print, that a public hearing thereon be scheduled for April 22, 2015, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR PASSAGE:	Kuali'i, Yukimura	TOTAL – 2,
AGAINST PASSAGE:	Chock, Hooser, Kagawa, Kaneshiro, Rapozo	TOTAL – 5,

EXCUSED & NOT VOTING: None
RECUSED & NOT VOTING: None

TOTAL – 0,
TOTAL – 0.

Council Chair Rapozo: I will entertain a motion to receive. Ross, I will entertain a motion to receive.

Councilmember Hooser moved to receive Proposed Draft Bill (No. 2586) for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Roll call.

The motion to receive Proposed Draft Bill (No. 2586) for the record was then put, and carried by the following vote:

FOR RECEIPT:	Chock, Hooser, Kagawa, Kaneshiro, Rapozo	TOTAL – 5,
AGAINST RECEIPT:	Kuali'i, Yukimura	TOTAL – 2,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

(Councilmember Kagawa was noted as excused.)

Ms. Fountain-Tanigawa: 5:2.

Council Chair Rapozo: Thank you. Next item, please.

Ms. Fountain-Tanigawa: Next item is on page 8.

BILL FOR SECOND READING:

Bill No. 2579 – A BILL FOR AN ORDINANCE AUTHORIZING THE OFFICE OF THE COUNTY AUDITOR TO PROCURE THE SERVICES OF A CONTRACT AUDITOR AND APPROVING A CONTRACT FOR A CONTRACT AUDITOR FROM APPROPRIATIONS OF A LATER FISCAL YEAR FOR MORE THAN ONE FISCAL YEAR: Councilmember Kuali'i moved for adoption of Bill No. 2579 on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion? Anyone in the audience wishing to testify? If not, I just want to take a moment of personal privilege that we have posted for the position of the Interim Auditor for our County Auditor's Office. So, anyone interested, please contact our office. This is for the Auditor's contract. Okay. Yes.

There being no objections, the rules were suspended to take public testimony.

Mr. Bernabe: Matt Bernabe for the record. I do not know too much about the Auditor or the persons applying for the job which I cannot even see on my page. Where are we?

Council Chair Rapozo: This item is every year we contract out with a Certified Public Accountant (CPA) firm to do our financial audit because it is done third party.

Mr. Bernabe: Oh, it is a third party audit?

Council Chair Rapozo: The contract is typically good for three (3) years or four (4) years. Anytime the Administration or the County enters into a contract that extends beyond one (1) year, it needs Council approval. This is basically giving them authority to enter into a contract which spans more and a year. In this case, a two (2) year contract.

Mr. Bernabe: Okay. I just wanted clarification.

Council Chair Rapozo: I am sorry, three (3) year.

Mr. Bernabe: I did not understand it so I did not want to blow past it without actually knowing what you were saying.

Council Chair Rapozo: Yes. We have to be real careful to keep the discussions to what the agenda item is.

Mr. Bernabe: No worries.

Council Chair Rapozo: This just says we can now go out and put it out to bid so we can have someone bid on the contract for the next three (3) years.

Mr. Bernabe: Okay. Thank you for the clarification.

Council Chair Rapozo: Thank you. I appreciate you being here,
Mr. Bernabe.

Mr. Bernabe: Thank you.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Any further discussion? If not, roll call.

The motion for adoption of Bill No. 2579 on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused.

Council Chair Rapozo: Thank you very much. That will be the end of today's meeting. This meeting is adjourned. We will reconvene in ten (10) minutes in the Executive Session room for Executive Session. Oh, I am sorry. Hang on, BC. I am sorry. Councilmember Hooser.

Councilmember Hooser: (Inaudible).

Council Chair Rapozo: Jade, I am sorry. Can you read the Executive Session items?

Ms. Fountain-Tanigawa: This is on page 9.

EXECUTIVE SESSIONS:

ES-783 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding Association of Apartment Owners of Kulana vs. Travelers Casualty and Surety Company of America; County of Kaua'i (Civil No. 12-0027) and related Cross-claims and Counterclaims. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-784 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing, discussion and consultation regarding the status of claims filed against the County of Kaua'i. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-785 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding the claim filed against the County of Kaua'i by Darryl D. Perry, Chief of Police. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Council Chair Rapozo: Thank you. Can I get a motion, please?

Councilmember Yukimura moved to convene in Executive Session for ES-783, ES-784, and ES-785, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion? Councilmember Hooser.

Councilmember Hooser: Yes, I had a question about ES-784.

Council Chair Rapozo: For the attorney?

Councilmember Hooser: Yes.

Council Chair Rapozo: Okay. Thank you. Mr. Trask.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: Aloha Honorable Chair and members of the Kaua'i County Council. For the record, Mauna Kea Trask, County Attorney.

Councilmember Hooser: Good afternoon, Mr. Trask. This could be a very simple question. The other two (2) specify what we are talking about. This just

says “status of claims.” Is this all claims or is this one (1) claim? What is the nature of what we are going to be discussing?

Mr. Trask: This is a follow-up to a previous Executive Session regarding the quarterly reports on claims. So, it is just a standard quarterly reports on claims filed under Kaua‘i County Charter Chapter 23.06, which generally relates to negligence claims against the County for death or injury to person or property specifically.

Councilmember Hooser: Okay. So, it is not about a specific claim per say? It is about the quarterly report in general?

Mr. Trask: And its negligence claims.

Councilmember Hooser: Negligence claims.

Mr. Trask: That type of legal claim.

Councilmember Hooser: Okay. Thank you very much.

Mr. Trask: You are welcome.

Councilmember Hooser: Thank you, Chair.

Council Chair Rapozo: Any other questions for the attorney?

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call, please.

The motion to convene in Executive Session for ES-783, ES-784, and ES-785 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kaneshiro, Kuali‘i, Yukimura, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kagawa	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

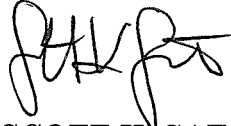
Ms. Fountain-Tanigawa: Six (6) ayes, one (1) excused to go into Executive Session.

Council Chair Rapozo: Thank you. With that, the meeting is adjourned. BC, you do not need to come back. We are done for the day. In ten (10) minutes we will meet in Executive Session. Thank you.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:49 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sato', with a stylized flourish at the end.

SCOTT K. SATO
Council Services Review Officer

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